Third Series, No.16

Wednesday, November 28, 1962
Agrahayana 7, 1884 (Saka)

LOK SABHA DEBATES

Third Session
(Third Lok Sabha)

LOK SABHA SECRETARIAT

New Delhi

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GMGIPND—LS II—2340 (Al) LS—18-12-62—900

LOK SABHA

Wednesday, November 28, 1962/Agrahayana 7, 1884 (Saka)

The Sabha met at Twelve of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

SHORT NOTICE QUESTION

चीनी सेना द्वारा बन्दी बनाये गये भारतीय

\+

3. **श्री यशपाल सिंह :**
श्री के० एन० तिवारी :
श्री महेश्वर नायक :
श्री के० पटनायक :
श्री राम सेवक यादव :
श्री प्रकाशवीर शास्त्री :
श्री विभूति मिश्र :
श्री हेम बरुआ :

क्या **प्रतिरक्षा** मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को चीनी सेना द्वारा बन्दी बनाये गये भारतीय सैनिकों के बारे में औपचारिक रूप से कोई सूचना प्राप्त हुई है ;

(ख) यदि हां, तो क्या उन्हें तिब्बत में बन्दी बना कर रखा गया है या चीन में ;

(ग) उनकी संख्या कितनी है ; और

(घ) क्या सरकार ने किसी अन्तर्राष्ट्रीय रेड क्रास एजेंसी को उनकी देख भाल करने के लिये कहा है ?

प्रतिरक्षा मंत्री (श्री यशवन्तराव चव्हाण) : (क) जी हां ।

(ख) कोई सूचना प्राप्त नहीं है ।

(ग) १६ नवम्बर, १९६२ को चीन के विदेश मन्त्रालय द्वारा पेकिंग स्थित भारतीय दूतावास को दी गई सूचना के आधार पर ९२७ ।

(घ) सरकार ने इस विषय में सहायता देने के लिये अन्तर्राष्ट्रीय रेडक्रास समिति से प्रार्थना की है । अन्तर्राष्ट्रीय रेड क्रास समिति को जिनेवा कन्वैन्शन को व्यवहार में लाने या युद्ध बन्दियों के बारे में और विवरण सम्बन्धी कोई पत्र अब तक चीन सरकार से नहीं प्राप्त हुआ है । चीन सरकार की स्वीकृति प्राप्त हो जाने पर उन्होंने अपने एक प्रतिनिधि को बातचीत करने के लिये पेकिंग भेजने का प्रस्ताव किया है ।

[(a) Yes, Sir.

(b) No information is available.

(c) 927 as notified by the Chinese Foreign Ministry to the Indian Embassy in Peking on the 16th November, 1962.

(d) Government have requested the International Committee of the Red Cross for assistance in this connection. The International Red Cross have not so far received any communication from the Chinese Government about the application of Geneva Conventions or further details of prisoners of war. They propose to send one of their delegates to Peking for talks as soon as his visit is agreed to by the Chinese Government].

श्री यशपाल सिंह : क्या मैं जान सकता हूं कि इनमें जख्मी लोग कितने हैं और तन्दुरुस्त लोग कितने हैं और रैंकवाइज इनका नम्बर क्या है ?

अध्यक्ष महोदय : अगर इत्तिला ही नहीं आई तो इसका जवाब वह क्या दें ।

श्री यशपाल सिंह : क्या मैं जान सकता हूं कि ये लोग चीन में रखे गये हैं या तिब्बत में रखे हुए हैं ?

Shri Y. B. Chavan: Unless there is any formal communication it is difficult for me to give any information.

Shri Hari Vishnu Kamath: May I know if any Chinese prisoners of war have been captured by the Indian Armed Forces, and if not, is it due to the fact, as reported in a section of the world press, that the Chinese shot dead their soldiers who were wounded and is that why we could not capture any prisoner of war or is there any other reason?

Shri Y. B. Chavan: I think it does not arise out of this question. I have no information on this point.

Shri Hari Vishnu Kamath: Have we got any prisoners of war in our custody?

Shri Y. B. Chavan: No, Sir.

श्री प्रकाशवीर शास्त्री : जो हमारे राजदूत इस समय पेकिंग में हैं, उन्होंने चीन सरकार से कुछ इस प्रकार का अनुरोध किया है कि बन्दी भारतियों को देख रेख के लिए वह स्वयं जायें अथवा अपने किसी प्रतिनिधि को वहां भेजें? यदि हां तो इसके सम्बन्ध में चीन सरकार ने हमारे राजदूत को क्या उत्तर दिया है ?

Shri Y. B. Chavan: Normally the procedure is to initiate steps through the Red Cross International Committee and these are being initiated.

Shri Hem Barua: Are the Government aware that some of our officers in Chinese custody are made to make broadcasts presumably for consumption in India over the Chinese radio or Peking radio or the Lhasa radio and if so, may I know whether Government have monitored these broadcasts for future check-up?

Mr. Speaker: That is a different question.

Shri Hem Barua: May I submit that it is linked up with this question. The hon. Minister said that there are 927 prisoners of war in China. I want in the interest of the country to know if they are made to broadcast and whether these broadcasts are monitored or not.

Mr. Speaker: Monitoring of the broadcasts is a different thing from the number of prisoners that we have got or they have got.

श्री कच्छवाय : क्या मैं जान सकता हूं कि भारत सरकार ने कितने चीनियों को बन्दी बनाया है ?

अध्यक्ष महोदय : यह सवाल हो चुका है और इसका जवाब भी दिया जा चुका है ।

Shri S. M. Banerjee: Now that many of our senior officers have returned safe from there, may I know whether any information could be had from them about the number of Indian soldiers detained by the Chinese?

Mr. Speaker: The question is whether any information has been received through those officers who have come back, whether they can tell us about our prisoners that are there.

Shri Y. B. Chavan: We have not received any information from them.

Shri Indrajit Gupta: May I know whether the Government's present efforts are going to be directed simply to seeking information regarding the

health and welfare of these prisoners or, in view of the fact that there is no official declaration of war, in terms of international law, between the two countries, also to seek their release as early as possible?

Shri Y. B. Chavan: This question of seeking release is not considered. Even though the war is not declared, according to the Geneva convention, any other country can also apply to any other armed conflict; and it is under these conditions that the steps are being taken.

श्री राम सेवक यादव : यें जो गिरफ्तार हुए हैं ये किन परिस्थितियों में, किस तरह और कहां पर गिरफ्तार हुए हैं, क्या इस तरह की भी कोई चीज बताई जा सकती है ?

अध्यक्ष महोदय : इस तरह की चीज का अभी कुछ पता नहीं है ।

Shri Maheswar Naik: May I know whether the Government of India have made sure that the international organisation which is entrusted with getting information from the Chinese is getting really at the truth of this fact, namely, how our prisoners have been treated?

Shri Y. B. Chavan: I could not follow.

Mr. Speaker: He may put the question a little more distinctly. We are unable to follow.

Shri Maheswar Naik: May I know whether the Government of India have made sure that the International Red Cross organisation is getting the real truth as to how our prisoners are being treated in the prisons?

Shri Y. B. Chavan: May I explain this? Otherwise, unnecessarily, there might be some casting of aspersions which should be avoided. As a matter of fact, the Chinese Government are also party to this convention. They have ratified this convention, but there are certain reservations, we are being told, in their ratification. The international committee of the Red Cross has approached them, have sent a communication to them; after getting a reply to the communication, they have decided to send a delegate to seek further information. At the present juncture, we have no more information.

Shri P. K. Deo: In view of the fact that the present Chinese Government, the communist Government, was not a signatory to the Geneva convention, may I know how far it is obligatory on their part to....

Mr. Speaker: He has said that.

Shri P. K. Deo: I could not hear.

Shri Y. B. Chavan: The Chinese Government is a signatory to all the conventions, and the ratification has come into effect from June, 1957.

Shri Harish Chandra Mathur: The Chinese have made so much of this unilateral pronouncement that they are withdrawing from this country and that they will be behind the so-called MacMahon line and all that. May I know if they have said anything about those prisoners whom they have taken in this particular connection, and whether any clarification has been sought from them?

Mr. Speaker: Nothing has been received here.

Shri Hanumanthaiya: In view of the fact that the Government is trying to obtain information under the international convention, are we to take it that a war has been declared between China and India?

Shri Y. B. Chavan: The conventions can be applied even otherwise when there is no declaration of war.

Mr. Speaker: We shall now proceed to the next item on the agenda.

12.07 hrs.

RE: CEASE-FIRE

श्री यशपाल सिंह (कैराना): क्या मैं जान सकता हूं कि जबकि हमारी तरफ से बार बार लिख कर दिया गया है कि अब चाइना गवर्नमेंट को फाइनल रिपोर्टस सीज फायर के मुताल्लिक आ चुकी हैं, यह हाउस कब तक इस मामले में इन्फार्म किया जायेगा ?

अध्यक्ष महोदय : मैं पूछ कर आप को बतला दूंगा ।

12.07½ hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): I beg to lay on the Table a copy each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities Act, 1955:

(i) The Rice (Madhya Pradesh) Price Control (Amendment) Order, 1962, published in Notification No. G.S.R. 1548 dated the 20th November, 1962. [Placed in Library, *see* No. LT-618/62].

(ii) The Rice (Punjab) Price Control (Second Amendment) Order, 1962, published in Notification No. G.S.R. 1549 dated the 20th November, 1962. [Placed in Library, *see* No. LT-619/62].

(iii) G.S.R. No. 1561 dated the 24th November, 1962, rescinding the Rice (Import from Punjab) Order, 1961. [Placed in Library, *see* No. LT-620/62].

DISPLACED PERSONS (COMPENSATION AND REHABILITATION) SEVENTH AMENDMENT RULES

The Deputy Minister in the Ministry of Works and Housing (Shri P. S. Naskar): I beg to lay on the Table a copy of the Displaced Persons (Compensation and Rehabilitation) Seventh Amendment Rules, 1962, published in Notification No. G.S.R. 1541, dated the 17th November, 1962, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954. [Placed in Library, *see* No. LT-617/62].

12.08 hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 26th November, 1962, agreed without any amendment to the Pondicherry (Administration) Bill, 1962, which was passed by the Lok Sabha at its sitting held on the 22nd November, 1962."

12.08½ hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

ELEVENTH REPORT

Shri Krishnamoorthy Rao (Shimoga): I beg to present the Eleventh Report of the Committee on Private Members' Bills and Resolutions.

12.08½ hrs.

DEFENCE OF INDIA BILL—*contd.*

Mr. Speaker: The House will now proceed with the further clause-by-clause consideration of the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith. Clause 18.

Shri Hari Vishnu Kamath (Hoshangabad): The amendments are being considered.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Clause 18 is under discussion.

Shri Hari Vishnu Kamath: I have moved my amendments Nos. 148 and 149. The two are really one. I seek to substitute five years for ten years in clause 18 of the Bill. It is unfortunate that the amendments tabled by Government are being altered from time to time, from day to day. I am sorry to say that; I am not making a charge against the Government, but the Government seems to be rather fickle-minded or vacillating even on the matter of amendments.

Mr. Speaker: There can be another interpretation also....

Shri Hari Vishnu Kamath: You mean, it shows an open mind.

Shri Tyagi (Dehra Dun): They are accommodative.

Mr. Speaker: As a result of the discussion that had taken place between the Members and the Ministers, they agreed to accommodate.

Shri Hari Vishnu Kamath: After the discussion was over, they tabled a substitute amendment No. 154 and then they have tabled another substitute amendment No. 156. Yesterday we were faced with amendment No. 156, to which we had naturally no time to table an amendment yesterday itself. Ultimately, as it has emerged from the hands of Shri Datar, we have amendment No. 156. There he wants to enlarge the scope of this provision. The earlier substitute amendment No. 154 was not so bad. It retained the original phraseology of the provision, but only sought to substitute "five years or more" for "ten years". Here he has sought to include the whole Act and the rules made thereunder within the ambit of this provision. In the previous amendment No. 154, he retained the words "under section 5 of this Act or under sub-section (4) of section 5 of the Indian Official Secrets Act, 1923". Now, the whole Act and also the rules made thereunder have been brought in.

I would like to submit that amendment No. 156 has changed the whole complexion. It is not a mere amendment. It is a substantial change of the entire provision contained in clause 18. We have been literally taken by surprise that he has not sought to explain to the House why its scope has been substantially, completely and may I say, unjustly and unnecessarily, enlarged in this fashion So, I have moved my amendment No. 148, which is a very simple one. If it is accepted, it will mean:

> "A person sentenced by a Special Tribunal—
>
> (a) to death or imprisonment for life, or
>
> (b) to imprisonment for a term extending to five years...."

I do not see the point in Mr. Datar's amendment, which says "five years or more". When a person who is sentenced to five years has got the right of appeal, it follows *ipso facto*—it is ordinary simple logic—that a person who is sentenced to more than five years will have that right. In clause 15, "five years or more" was necessary. Here it is wholly unnecessary, redundant and superfluous. Sir, you were an eminent judge, a very wise judge, and you will understand and

[Shri Hari Vishnu Kamath]

appreciate that if a person who has been sentenced to five years has the right, a person sentenced to more than five years naturally will have that right. How is he barred? Therefore, "or more" is unnecessary.

Mr. Speaker: He pays me compliments every day so that it becomes superfluous.

Shri Hari Vishnu Kamath: I will not say that the proverbial adage is "memory is very short" ; I will not ascribe it to you. But the House's memory may be very short, and therefore I am reminding it that you were an eminent judge. You have the good fortune of adorning the Chair, you have been an eminent judge and you can appreciate this argument. Another person may not be able to appreciate it.

Therefore, I would respectfully urge the Minister and the House to consider the pointlessness of the amendment of the Minister. The expression "or more" is wholly unnecessary. If it is applicable to a man sentenced to five years, a man sentenced to six years, seven years or more number of years will naturally have the right to appeal. Therefore, my amendment is simpler, more pointed, more precise, concise and I will commend it to the acceptance of the House.

Dr. L. M. Singhvi (Jodhpur): Mr. Speaker, Sir, we welcome the enlargement of the scope of appeal provided under clause 18 inasmuch as appeal is now being provided for all sentences of five years or more. I, however, hoped that the Law Minister and the Home Minister would have considered the possibility and the feasibility of providing for some appeal or, if an appeal is not considered feasible, even a revision in cases in which sentences less than five years are awarded, because it would be easy to circumvent the provisions by awarding a sentence only of 4 years and 8 months or 4 years and 9 months in which case the person who is convicted by the Tribunal would be precluded from preferring an appeal to the High Court. An appeal may not be provided in such cases on the criterion that all cases in which the sentence is below five years an appeal is not really necessary. But at least for procedural miscarriage of justice and for a perverse view that may be taken by a tribunal, some provision must be made. All sentences below five years should not be made completely unreviewable in any manner whatever. I would, therefore, request the Government to consider the feasibility of at least providing for a procedural revision in cases in which the sentence is less than five years.

Some Hon. Members *rose*—

Mr. Speaker: Shri Mahida—I would quote Shri Kamath and request hon. Members to be precise, concise and pointed—I do not know what else he said.

Shri Narendrasingh Mahida (Anand): My amendment reads:

> Page 19, lines 19 to 27,—
>
> omit "but save as aforesaid and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Special Tribunal, and no court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal." (8)

What I want to suggest is that the Special Tribunal is not the final authority for awarding sentences for five years. We are having this legislation during the time of emergency.

Even in this emergency we must have a democratic set up. I, therefore, suggest that we should omit lines 19 to 27 and make it much simpler whereby the right of appeal shall remain.

Shri S. M. Banerjee (Kanpur): Sir, I rise to support amendment No. 149. The amendment is very simple as explained by Shri Kamath, and I hope the hon. Minister, if he attends to the debate, will have no difficulty in accepting it. It clearly says:

Page 19, line 14,—

for "ten" *substitute* "five".

Sir, may I invite the hon. Minister's attention?

Mr. Speaker: Special attention of the hon. Minister is being solicited.

Shri S. M. Banerjee: If he does not hear, Sir, he may not accept the amendment. I am using my eloquence and the logic of Shri Kamath to convince him. I request him to accept this amendment. It does not take out the spirit, whatever the spirit may be, out of the context, and I hope the acceptance of this suggestion will go a very long way in redressing the genuine grievances of the person who is said to be the accused. Moreover, he will not be deprived of the natural justice which should be accorded to him under our Constitution.

Shri Ranga (Chittoor): May I also add my word of support to this amendment moved by Shri Kamath?

Shri Datar: May I point out to my hon. friend, Shri Kamath, that Government are not fickle? Government are responsive to the suggestions made by the hon. Members. That is the reason why I have piloted a number of amendments in the light of the discussions that we had. Thereafter also I was prepared to accept a number of amendments which the hon. Members had moved. That does not show its fickleness but its responsiveness to the opinion of hon. Members.

So far as amendment No. 148 is concerned, may I say in all humility that Shri Kamath's amendment does not bring out the purpose that we had in view? What we propose is that there ought naturally be an appeal for every case involving five years or more. Now he wants to substitute "extending up to" for the word "exceeding". If you say "extending up to", it might mean even one year. The hon. Member has not seen the implication of his own amendment; he has not grasped the implication of his amendment. If you say "extending up to five years" it may mean even one day and the matter would be open for appeal. This is a question where we have to follow a very clear principle and be precise. That is the reason why I have moved amendment No. 156, which makes a gesture, so far as the desire of the hon. Member is concerned. Formerly, we had put down the limit at 10 years. Now, out of consideration for the views of the hon. Members, we have brought it down to five years. So, you will find that we have deliberately put "five years or more". While five years should not be excluded, if it is below five years, naturally, there cannot be any appeal.

My hon. friend, Dr. Singhvi, wanted to know whether it would be open to move the Supreme Court or the High Courts in the matter if there is any question of law to be decided. The Law Minister has made it very clear in reply to the debate that article 136 of the Constitution is still in force.

Shri Hari Vishnu Kamath: By your leave, I want a clarification from the hon. Minister. Even in the original clause the wording was "extending up to ten years" which will mean even one day. Did they not contemplate it then?

Shri Datar: That is the reason why we have made it clear "five years or more"; not below five years.

Mr. Speaker: There are amendment Nos. 86 and 87 by Shri Nambiar and

[Mr. Speaker]

No. 88 by Shri Daji. They are not present here. But, since they have been moved, I shall have to put them to the vote.

Amendments Nos. 86, 87 and 88 were put and negatived.

Mr. Speaker: Shall I put the other amendments?

Shri Hari Vishnu Kamath: Amendment No. 148 I am withdrawing, but I would like to press Amendment No. 149.

Amendment No. 148 was, by leave, withdrawn.

Mr. Speaker: What about amendment No. 8 by Shri Mahida? Does he wish to press it for a division?

Shri Ranga: Yes, we do.

Mr. Speaker: So, let the lobbies be cleared. .. Order, order. Now, I am going to put amendment No. 8 to the vote of the House.

Shri Tyagi: Whose amendment is this?

Mr. Speaker: Shri Mahida's.

The question is:

Page 19, lines 19 to 27,—

omit "but save as aforesaid and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Special Tribunal, and no court shall have authority to revise such order or sentence or to transfer any case from a Special Tribunal, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal"

The Lok Sabha divided:

Division No. 7] **AYES** [12.29 hrs.

Bagri, Shri
Banerjee, Shri S.M.
Basant Kunwari, Shrimati
Berwa, Shri
Bhawani, Shri Lakhmu
Buta Singh, Shri
Deo, Shri P.K.
Gulshan, Shri
Gupta, Shri K.R.
Kachhavaiya, Shri
Kamath, Shri Hari Vishnu
Kapur Singh, Shri
Kar, Shri Prabhat
Keishing, Shri Rishang
Kohor, Shri
Lahri Singh, Shri
Mahida, Shri
Marandi, Shri
Mukherjee, Shri H.N.
Murmu, Shri Sarkar
Pandey, Shri Sarjoo
Pattnayak, Shri K.
Pottekkatt, Shri
Raghavan, Shri A.V.
Ranga, Shri
Reddy, Shri Narasimha
Reddy, Shri Yallamanda
Roy, Dr. Saradish
Sen, Dr. Ranen
Sezhiyan, Shri
Shashank Manjari, Shrimati
Singh, Shri Y.D.
Soy, Shri H.C.
Swamy, Shri Sivamurthi
Utiya, Shri
Yadav, Shri Ram Sewak
Yashpal Singh, Shri

NOES

Alva, Shri A.S.
Alva, Shri Joachim
Aney, Dr. M.S.
Azad, Shri Bhagwat Jha
Barrow, Shri
Barupal, Shri P.L.
Basappa, Shri
Besra, Shri
Bhagvati, Shri
Bhanja Deo, Shri L. N.
Bhattacharyya, Shri C. K.
Birendra Bahadur Singh, Shri
Bist, Shri J. B. S.
Brahm Prakash, Shri
Chakraverti, Shri P.R.
Chaudhuri, Shri D.S.
Chaudhuri, Shrimati Kamala
Chavan, Shri D.R.
Chavda, Shrimati
Chettiar, Shri Ramanathan
Daljit Singh, Shri
Dasappa, Shri
Datar, Shri
Desai, Shri Morarji
Deshmukh, Dr. P. S.
Deshpande Shri
Dube, Shri Mulchand
Gajraj Singh Rao
Gupta, Shri Shiv Charan
Hajarnavis, Shri
Harvani, Shri Ansar
Hem Raj, Shri
Jagjivan Ram, Shri

Jain, Shri A.P.
Jamunadevi, Shrimati
Joshi, Shrimati Subhadra
Jyotishi, Shri J.P.
Kajrolkar, Shri
Kanungo, Shri
Karjee, Shri
Karuthiruman, Shri
Khadilkar, Shri
Khan, Shri Shahnawaz
Khanna, Shri Mehr Chand
Lakhan Das, Shri
Lakshmikanthamma, Shrimati
Lalit Sen, Shri
Laskar, Shri N.R.
Laxmi Bai, Shrimati
Mahtab, Shri
Majithia, Shri
Malaichami, Shri
Mandal, Dr. Pashupati
Maniyangadan, Shri
Matcharaju, Shri
Mathur, Shri Harish Chandra
Mehrotra, Shri Braj Bihari
Minimata Shrimati
Mishra, Shri Bibhuti
Mohiuddin, Shri
Muthiah, Shri
Naik, Shri Maheshwar
Naskar, Shri P.S.
Nigam, Shrimati Savitri
Pande, Shri K.N.
Pandey, Shri R.S.
Lal, Shri
Paramasivan, Shri
Patel, Shri Mansinh P.
Patel, Shri N.N.
Patel, Shri Rajeshwar
Patil, Shri D.S.
Patil, Shri S.B.
Patil, Shri S.K.
Pattabhi Raman, Shri C.R.
Prabhakar, Shri Naval
Pratap Sing, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Rai, Shrimati Sahodrabai
Ram Subhag, Singh, Dr.
Ram Swarup, Shri
Ramdhani Das, Shri
Ramanjai Singh, Shri
Rane, Shri
Rao, Shri Jagannatha
Rao, Shri Krishnamoorthy
Rao, Shri Rameshwar
Rao, Shri Thirumala
Ray, Shrimati Renuka
Reddi, Dr. B. Gopala
Reddy, Shri Ramakrishna
Reddy, Shrimati, Yashoda
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saha, Dr. S.K.
Sahu, Shri Rameshwar
Saigal, Shri A.S.
Sanji Rupji, Shri
Saraf, Shri Sham Lal
Satyabhama Devi, Shrimati
Sen, Shri P.G.
Shah, Shri Manabendra
Sharma, Shri D.C.
Sheo Narain, Shri
Shree Narayan Das, Shri
Siddananjappa, Shri
Subramaniam, Shri C.
Subramanyam, Shri T.
Sweran Singh, Shri
Thomas, Shri A.M.
Tiwary, Shri R.S.
Tyagi, Shri
Valvi, Shri
Varma, Shri Ravindra
Vidyalankar, Shri A.N.
Wasnik, Shri Balkrishna
Yadav, Shri Ram Harkh

Mr. Speaker: The result of the division is:

Ayes 37; Noes 118.

The motion was negatived.

Mr. Speaker: Now, I shall put Shri Kamath's amendment (No. 149) to the vote of the House.

The question is:

Page 19, line 14,—

for "ten" *substitute* "five" (149).

The Lok Sabha divided:

Shri Ravindra Varma (Theruvella): I wanted to vote for 'No'.

The Deputy Minister in the Ministry of Railways (Shri Shahnawaz Khan): Mine has not worked.

Shri Hanumanthaiya: (Bangalore City) *rose*—

Mr. Speaker: I have added three to the 'Noes'.

Division No. 8] **AYES** [12.31 hrs.

Bagri, Shri
Banerjee, Shri S.M.
Basant Kumari, Shrimati
Berwa, Shri
Bhattacharya Shri Dinen
Bhawani Shri Lakhmu
Biren Dutt Shri
Buta Singh, Shri
Dasaratha, Deb, Shri
Deo, Shri P.K.
Gulshan, Shri
Gupta, Shri Indrajit
Gupta, Shri K.R.
Kachhavaiya, Shri
Kamath, Shri Hari Vishnu
Kapur Singh, Shri
Kar, Shri Pralhat
Karjee, Shri
Keishing, Shri Rishang
Kohor, Shri
Lahari Singh, Shri
Mahida, Shri
Marandi Shri
Mukherjee, Shri H.N.
Murmu, Shri Sarkar
Pandey, Shri Sarjoo
Pattnayak, Shri K.
Pillai, Shri Nataraja
Pottakkatt, Shri
Raghavan, Shri A. V.
Ranga, Shri N.G.
Reddy, Shri Narasimha
Roy, Dr. Saradish
Sen, Dr. Ranen
Sezhyan, Shri
Shashank Manjari, Shrimati
Singh, Shri Y. D.
Soy, Shri H. C.
Swamy, Shri Sivamurthi
Utiya, Shri
Warior, Shri
Yadav, Shri Ram Sevak
Yashpal Singh, Shri

NOES

Alva, Shri A. S.
Alva, Shri Joachim
Aney, Dr. M. S.
Azad, Shri Bhagwat Jha
Barrow, Shri
Barupal Shri P. L.
Basappa, Shri
Shri
Bhagwati, Shri
Bhanja Deo, Shri L. N.
Bhattacharyya, Shri C. K.
Bitendra Bahadur Singh, Shri
Bist, Shri J. B. S.
Brahm Prakash, Shri
Chakraverti, Shri P.R.
Chaudhuri, Shri D.S.
Chaudhuri, Shrimati Kamala
Chavan, Shri D. R.
Chavda, Shrimati
Chettiar, Shri Ramanathan
Daljit Singh, Shri
Dasappa, Shri
Desai, Shri Morarji,
Deshmukh Dr. P.S.
Deshpande, Shri
Dube, Shri Mulchand
Gajraj Singh Rao,
Goni, Shri Abdul Ghani
Gupta, Shri Shiv Charan
Hajarnavis Shri
Hanumanthaiya, Shri
Harvani, Shri Ansar
Hem Raj. Shri
Jagjivan Ram, Shri
Jain, Shri A. P.
Jamunadevi, Shrimati
Joshi, Shrimati Subhadra
Kajrolkar, Shri
Kanungo, Shri
Karuthiruman, Shri
Khan, Shri Shahnawaz
Khanna, Shri Mehr Chand
Lakshmikanthamma, Shrimati
Lalit Sen, Shri
Laskar, Shri N.R.
Laxmi Bai, Shrimati
Mahtab, Shri
Majithia, Shri
Mandal, Shri Yamuna Prasad
Maniyangadan, Shri
Matcharaju, Shri
Mathur, Shri Harish Chandra
Mehrotra, Shri Braj Bihari
Minimata, Shrimati
Mishra, Shri Bibhuti
Mohiuddin, Shri
Muthiah, Shri
Naik, Shri Maheshwar
Naskar, Shri P.S.
Nigam, Shrimati Savitri
Pande, Shri K.N.
Pandey, Shri R.S.
Panna Lal, Shri
Parasivan, Shri
Patel, Shri Mansinh P.
Patel, Shri N.N.
Patel, Shri Rajeshwar
Patil, Shri S.B.
Patil, Shri S.K.
Pattabhi Raman, Shri C.R.
Prabhakar, Shri Naval
Pratap Singh, Shri
Raghunath, Singh, Shri
Raghuramaiah, Shri
Rai, Shrimati Sahodrabai
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Rananjai Singh, Shri
Rane, Shri
Rao, Shri Jaganatha
Rao, Shri Krishnamoorthy
Rao, Shri Rameshwar
Rao, Shri Thirumala
Ray, Shrimati Renuka
Reddi, Dr. B. Gopala
Reddy, Shri Ramakrishna
Reddy, Shrimati Yashoda
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saha, Dr. S. K.
Sahu, Shri Rameshwar
Saigal, Shri A.S.
Sanji Rupji, Shri
Saraf, Shri Sham Lal
Satyabhama Devi, Shri
Sen, Shri P.G.
Shah, Shri Manabendra
Sharma, Shri D.C.
Sheo Narain, Shri
Shree Narayan Das, Shri
Siddananjappa, Shri
Subramaniam Shri C.
Subramanyam, Shri T.
Swaran Singh, Shri
Thomas, Shri A.M.
Tiwary, Shri R.S.
Tyagi, Shri
Valvi, Shri
Varma, Shri Ravindra
Vidyalankar, Shri A.N.
Wasnik, Shri Balkrishna
Yadav, Shri Ram Harkh

Mr. Speaker: The result of the Division is:

Ayes 43; *Noes* 113.

The "Noes" have it. The amendment is lost.

The motion was negatived.

Mr. Speaker: I will now put Government's amendment No. 156.

The question is:

That *for* the amendment proposed by me, printed as No. 154 in List No. 8 of Amendments, *substitute* the following amendment,—

Page 19, for lines 14 to 17, *substitute*—

"(b) to imprisonment for a term of five years or more,

under this Act or the rules made thereunder or under subsection (4) of section 5 of the Indian Official Secrets Act, 1923, as amended by section 6 of this Act", (156.)

The motion was adopted.

Mr. Speaker: The question is:

"The clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, *as amended, was added to the Bill.*

Clauses 19 *and* 20 *were added to the Bill.*

Mr. Speaker: Clause 21: any amendment to be moved? None.

Shri Hari Vishnu Kamath: We wanted to speak on this Chapter.

Mr. Speaker: That is a different thing. The question is:

"That clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

Clauses 22 and 23 were added to the Bill.

Shri Datar: I beg to move:

Page 22, lines 38 and 39,—

for "in his former employment otherwise than in a probationary or temporary capacity", *substitute*—

"in an establishment immediately before his employment in the national service" (122).

Mr. Speaker: The second one: is it going to be moved?

Shri H. C. Soy (Singhbhum): I am moving it.

Mr. Speaker: He might move and say what he wants to say in a minute.

श्री ह० च० सोय : अध्यक्ष महोदय, मैं क्लाज २४ पर अपना अमेंडमेंट नम्बर ३८ मूव करता हूं :—

Page 23, *after* line 7, *add*—

"Provided further that a person who was serving in a probationary or temporary capacity with his former employer shall be reinstated on permanent basis in the original post." (38)

इस अमेंडमेंट का उद्देश्य यह है कि जो व्यक्ति नेशनल सर्विस में चला जाय वह युद्ध के बाद जब वापिस लौटे तो उसे अपनी पहले की नौकरी पर परमानेंट तौर पर लगाया जाय ।

जो प्राविजन अभी है उस में सरकार की ओर से जो एक अमेंडमेंट मूव होने वाला है उससे पहले तो कुछ इम्प्रूवमेंट अवश्य होगा मगर उस चीज में एक कमी रहती है और वह यह कि जिस आदमी को फिर से उसकी पहले की जगह पर लगाया जायगा उसके लिये इसमें इस बात की कोई गारण्टी नहीं है कि उसको परमानेंट बसिस पर वह जगह मिलेगी और यह कि वह स्थायी होगा । अब सवाल तो यह है कि अगर वह व्यक्ति एक्टिव सर्विस में नहीं जाता तो वह अपनी जगह पर दो, तीन वर्ष के अन्दर परमानेंट हो जाता मगर चूंकि वह ऐक्टिव सर्विस पर चला जाता है तो इसकी व्यवस्था रहनी चाहिये कि लौटने पर अपनी ओरीजनल पोस्ट पर परमानेंट बेसिस पर लगे । इसलिये मेरा यह अमेंडमेंट कहता है कि नेशनल सर्विस खत्म होने के बाद जब वह व्यक्ति लौटे तो उसे अपनी पहले वाली पोस्ट पर परमानेंट बेसिस पर लिया जाय ।

Shri S. M. Banerjee: I wanted to speak on clauses 20 and 21.

Mr. Speaker: They were passed long ago.

Shri S. M. Banerjee: Just now, they were passed.

Mr. Speaker: We are now dealing with clause 24.

Shri S. M. Banerjee: I thought somebody wanted to speak on this Chapter.

Mr. Speaker: I can allow any hon. Member to speak on a clause when it is put. There are no Chapters put separately.

Shri S. M. Banerjee: Clauses 24 to 29..

Mr. Speaker: If he wants to speak on clause 24, he might.

Shri Hari Vishnu Kamath: These are very important provisions with regard to employment of technical personnel. I would only briefly suggest to Government and urge them to

[Shri Hari Vishnu Kamath]

be more expeditious in regard to this matter of employment of technical personnel. I am sorry to say that I have not been fortunate enough to observe the same spirit of expedition and urgency which I expected from Government in this time of national emergency.

As a matter of fact, I do not want to mention any names; I do not want to mention particular cases. But I would refer to the case of two technicians who are prepared to work honorarily in the present emegency. They do not want any remuneration at all. I referred these cases to the Home Minister about ten days ago, but I find that the Ministry have not decided or made up their minds in regard to this matter. These are people who are eminent and competent technicians who worked during the last war, that is, the Second world War, and who have some experience, and they want to work and help or assist the Government, and they are offering their services free to Government so as to assist Govenment in this emergency so that they may be useful to the country and to the nation. But Government have not made up their minds. I am told that the case is being passed from Ministry to Ministry, that is to say, the papers are being passed on from Ministry to Ministry.

Shri Ranga: Protocol.

Shri Hari Vishnu Kamath: I do not know what protocol there is; God save us from protocol if it is really so.

I have just been informed that the papers that I had sent with regard to these technicians have been forwarded to some other Ministry. I do not know why they are not bucking up. I do not know for how long and how far they will delay this matter; unless this red tape and buck-passing is eliminated in this emergency at least, we shall be nowhere against the Chinese military might. God forbid that the Chinese should overcome us because of this weakness and other weaknesses. I hope Government will wake up to this matter and see that these technical personnel are employed. They are prepared to work. Therefore, let them be summoned for interview and then employed. I know that they are competent, and they are not overaged also. I know those persons whose cases I have forwarded to Government.

Shri S. M. Banerjee: While I welcome these provisions, I would submit that I had pointed out those cases myself. I hope my hon. friend Shri Kamath has not mentioned the names. I also know that thepersons concerned have made all sorts of appeals during the emergency to the Prime Minister, to the President and probably to the Home Minister. I am sorry to say that such a gentleman of eminence and technical qualifications, having experience of planning etc. is still rotting, and he has not been favoured with any reply other than an acknowledgement.

There are many persons in the country who really wish to serve this Government at this time of emergency, and they want to give the best of their skill and ability in the interests of the country. I would also take this opportunity of requesting the Home Minister to see that those technical persons or even non-technical persons with ministerial experience and so on, who were unfortunately removed or dismissed from service during the strike, are also taken in; they are prepared today to serve this Government for the national cause. Government can take any undertaking from them. After all, they were dismissed only because of participation in the strike. Therefore, there is no charge against them or there is nothing else against them except their having participated in the strike. I would request the hon. Minister to kindly consider whether the time has not come when they could be forgiven and given an opportunity to serve the country.

I have got with me six or seven names which I shall pass on to the Home Minister. Those persons are prepared to serve today even without any remuneration. They say that their conduct may be watched for six months, and then only salaries may be given to them. They do not want to remain idle; they want to serve the country which they cannot do by remaining outside. I would humbly request the hon. Minister to kindly consider these cases and give them employment so that they may also get opportunities to serve the country.

Shri Ranga: I am very glad that Government have come forward with amendment No. 122. In this connection, I only wish that when they constitute these national service tribunals and appoint the officers, they would try and see that those people who have had good experience in the management of labour exchanges are given preference, because those people have devoted a good amount of their time to understand the minds and the ways of working of the workers. It would be a very good thing indeed to entrust this work to such people as was done during the last war, instead of entrusting this work merely to the IAS officers and other people who have got to learn the thing anew, and who have to go through this training for knowing how to deal with industrial workers.

I am also anxious that every care should be taken to see that sympathetic consideration is given while giving effect to this proviso which is put in here in clause 24 that when the workers go back again to their former employers consideration will be given to the additional skill and experience acquired by them in the course of their employment in the national service. Otherwise, what is likely to happen is that so many junior people would be employed in their place while they are at work in war service and when they go back again, they will find themselves really at a great disadvantage. On the other hand, if due weightage is given to the experience they have gained and the time they spend in war service, they would not have to suffer and the employers also will not be suffering in any way. I sincerely hope my hon. friend, the Home Minister, will give definite instructions or advice to the Labour Ministry here at the Centre as well as Labour Departments in the States so that the interests of the workers are properly safeguarded in this direction.

Shri Tyagi: I know it personally that the Government is really busy with the war effort perhaps round the clock. But my grouse—and I know the House feels one with me in this—is that whatever arrangements Government is making are not known to the public in such cases at least where the public are directly interested. In the case of these technicians, I wonder if it would not have been much better if an advertisement were to be issued in the Press asking technicians to offer their services. Some central office must maintain a complete list of these technicians who are prepared to volunteer their services in the emergency so that as and when people are needed wherever necessary names could be drawn from that register and the persons concerned summoned. From that angle, it would create a very good atmosphere if Government were to advertise in the whole of India whether there are technicians ready to render service in this emergency. Let them forward their names and we shall feel very rich after the response is received. I hope the Minister will take immediate action in this respect.

Shri Datar: I have noted the valuable suggestion that Shri Tyagi and some other hon. Members have made so far as the general advisability of having a register of technical personnel is concerned. Government will pursue the matter as vigorously as possible. That is why in the Bill a special chapter has been embodied for this very purpose.

[Shri Datar]

As regards the two amendments befor the House, I purposely brought in my amendment No. 122 with a view to cause no inconvenience to presons who are either in a probationary or temporary capacty. In the original Bill, we had used the expression 'in his former employment otherwise than in a probationary or temporary capacity'. It was felt that after their services were fully utilised, there should not be any prejudice to their interests. That is why these words have been removed by my amendment.

So far as the hon. Member is concerned, he wants to go still further by his amendment, he wants that a person who was serving in a probationary or temporary capacity with his former employer shall be reinstated on a premanent basis in the original post. That goes too far. The doctrine of reinstatement or restoration to the former position, whatever it was, has been accepted. That does not mean that merely because subsequently he came to serve in another capacity, at the time of restoration he must be confirmed as a matter of course. That would be going too far. What I have now proposed is that he shall be restored to his former position he was holding at the time when his services were availed of.

Shri Tyagi: What about his promotion? Suppose a promotion was due if he had continued the service in the parent office itself. That period must, therefore, he counted for promotion at least.

Shri Datar: That suggestion also will be considered.

Shri Hari Vishnu Kamath: I hope he takes note of the point we made that there should be expedition in this matter, and no red-tapism.

Shri Datar: Government will have to be expeditious.

Shri Hari Vishnu Kamath: I hope you will wake up.

Mr. Speaker: I put amendment 38 to the House.

Amendment No. 38 was put and negatived.

Mr. Speaker: The question is:

Page 22, lines 38 and 39,—

for "in his former employment otherwise than in a probationary or temporary capacity", *substitute*—

"in an establishment immediately before his employment in the national service" (122).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Mr. Speaker: Clause 25. Amendment 92. Is it being moved? No.

The question is:

"That Clauses 25 and 26 stand part of the Bill."

The motion was adopted.

Clauses 25 and 26 were added to the Bill.

Clause 27— (*Service of summons, notices, orders etc.*)

Shri Datar: I beg to move:

Page 24, line 18,—

for "by post" *substitute*—

"by registered post" (123).

We have accepted here the suggestion that all these notices etc., should be by registered post instead of ordinary post.

Mr. Speaker: The question is:

Page 24, line 18,—

for "by post" *substitute*—

"by registered post" (123).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Clauses 28 and 29-(*Power to make rules; requisitioning of immovable property*)

Shri Hari Vishnu Kamath: May I say just one word? I do not know who drafted and incorporated the Statement of Objects and Reasons in this Bill. It is a very bald and very scrappy statement of objects and reasons. As a matter of fact, when an ordinance is promulgated, the Statement of Objects and Reasons is published along with it, and that is almost bodily wholly incorporated in the Bill to replace the ordinance when it is brought before the House. Will you kindly read the Statement of Objects and Reasons? Only the provision with regard to the appointment of technical personnel is referred to in the Statement that is incorporated in the Bill. Why the ordinance was promulgated and all that are given in the Statement of Objects and Reasons attached to the ordinance. It should have been given in the Statement of Objects and Reasons in the Bill also. It has not been done in this case. This is a lacuna which should have been looked into by the Minister before it was presented to the House.

Mr. Speaker: He had the opportunity of speaking in the general discussion also.

Shri Hari Vishnu Kamath: I did not take part then.

Mr. Speaker: Then this is not the place where it should be taken up.

Shri Hari Vishnu Kamath: They should be more careful in future.

Shri S. M. Banerjee: May I speak on clauses 29 and 30 both?

Mr. Speaker: No. Clause 30 has amendments.

Shri S. M. Banerjee: Clauses 29 and 30 deal with requisition of immovable property and payment of compensation.

I would like to mention that when we passed the Land Acquisition Bill in this House there was general opposition to it only because the hon. Members thought that any employer or millowner or industrialist can take shelter under it and ask the Government to requisition any land of his choice and pay nominal compensation.

I feel the hon. Minister must clarify here and now under what circumstances the property will be taken. The power is very sweeping.

There are cases going on in the Supreme Court over particular lands acquired. After the passage of this Bill, even the Judges of the Supreme Court are likely to take no notice of the petition, and they are likely to be rejected because it is in the interests of the emergency. So, I feel there should be proper clarification by the hon. Minister that immovable property will not be touched.

Mr. Speaker: This provision would apply only to acquisitions under these rules and not to those that have been done earlier. The Supreme Court is dealing with them.

Shri S. M. Banerjee: I said it will prejudice.

Mr. Speaker: How can it prejudice?

Shri S. M. Banerjee: Supposing I am an industrialist and I want a particular land, and I am going to produce an article which is needed for the emergency.

Mr. Speaker: I wish he were an industrialist, but the question is when the land has been acquired under quite a different Act, how would this apply?

Shri S. M. Banerjee: No, in future the land is going to be acquired by Government themselves.

Shri Datar: Sub-clause (1) makes the whole position clear. The point he is raising is not material here.

Shri S. M. Banerjee: Previously under the Land Acquisition Act of 1898, the compensation was clear: market value plus 15 per cent or 25 per cent. But here it is not clear. In clause 30 it says that the compensation shall be determined by taking into consideration the rent payable in respect of the property or if no rent is payable in respect of similar property in the locality and if in consequence of the requisition of the property the person interested is compelled to change his residence or places of business, the reasonable expenses incidental to such change. My point is, while the provisions of the Land Acquisition Act are going to be nullified by this, and when a land is being acquired under this Bill, what will be the compensation and why should there be deviation from the old formula?

Mr. Speaker: It is not being acquired permanently; therefore, rent is mentioned.

Shri Datar: This Act would be supreme; subject to this other provisions of the law would remain.

Shri S. M. Banerjee: Parliament is supreme.

Mr. Speaker: Therefore, hon. Member had an opportunity to speak. The question is:

"That clauses 28 and 29 stand part of the Bill."

The motion was adopted.

Clauses 28 and 29 were added to the Bill.

Shri Datar: Sir, I have two amendments to clause 30—124 and 125.

(*Amendment made*)

Page 26,—

after line 12, *insert*—

(iii) such sum or sums, if any, as may be found necessary to compensate the person interested for damage caused to the property on entry after requisition or during the period of requisition, other than normal wear and tear." (124)

(*Shri Datar*)

(*Amendment made*)

Page 26,—

for lines 27 to 31, *substitute*—

"*Explanation.* In this section and in section 37, the expression 'person interested' in relation to any property includes all persons claiming or entitled to claim an interest in the compensation payable on account of the requisitioning or acquisition of that property under this Act." (125)

(*Shri Datar*)

Mr. Speaker: The question is:

"That clause 30, as amended, stand part of the Bill".

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clause 31 was added to the Bill.

Clause 32— (*Power of entry into, and inspection of Property, etc.*)

Mr. Speaker: We take up clause 32.

Shri Narendra Singh Mahida (Anand): Sir, I beg to move:

Page 27, line 1,—

for "person" *substitute* "officer" (9).

I fail to understand why it should be 'any person authorised in this behalf'. My submission is to substitute 'person' by 'officer'.

Shri Ranga: I hope my hon. friend would be agreeable to this amendment. We would not like anyone and everyone to be authorised in this manner but only officers who would be deputed.

Earlier I had suggested that only gazetted officers should be deputed but my suggestion was not accepted. Then he said that they would not be able to do so in this emergency. In view of that I hope my hon. friend would agree to this amendment. If an officer misbehaves he runs the risk of losing his job or being suspended. If they were to authorise any person they like, he would not be subject to similar punishments and disabilities. That is why we have taken the trouble to move this amendment.

Shri Datar: May I say that 'person' has been purposely and advisedly put in. Circumstances might arise where Government will have to use the services of an expert for the purpose of valuation. He may or may not be a Government servant. The fact of authorisation is there and therefore Government will see to it that only when it becomes necessary a person who is not an officer will be authorised.

Shri Ranga: Will he be subject to punishment if his authority is misused?

Shri Datar: Government is always accountable for what it does either itself or through others.

Mr. Speaker: I put amendment No. 9 to the vote of the House.

Amendment No. 9 was put and negatived.

Mr. Speaker: The question is:

"That clause 32 stand part of the Bill."

The motion was adopted.

Clause 33 was added to the Bill.

Clauses 33 and 34 were added to the Bill.

Clause 35— (*Release from requisition*)

Mr. Speaker: We take up clause 35. Government amendment is No. 126. The other amendment is No. 10. Is it moved?

Shri Narendra Singh Mahida: Sir, I beg to move:

Page 27,—

after line 25, *add*—

'Provided that such preson is not different from the one from whom the possession was taken and in his absence, if he was a tenant, to the owner thereof." (10)

I have instances of very recently retired army officials who own houses. They cannot reside in them. They have no other place. They are coming from former Pakistan area, Punjab, etc. and they served the army for the last 20 or 21 years or more and they never resided in Delhi. They have built houses from their savings and they could not get those houses back for their own use. I request the Home Minister to look into this matter. My amendment seeks to remove that difficulty.

Shri Datar: Sir, I have also tabled an amendment No. 126 and when it is accepted it makes the whole position clear. I beg to move:

Page 27, line 25.—

after "the property shall be given", *insert*—

"and such possession shall, as far as practicable, be given to the person who appears to the Government or, as the case may be, the person authorised as aforesaid to be entitled to the possession of the property at the time such order is made." (126)

At the time when possession has to be restored Government will hand it over to the person who, in their opinion, is entitled to it. This has been made purposely clear. Sometimes there are certain changes and hence this power.

Mr. Speaker: I shall put amendment No. 10 to the vote of the House.

Amendment No. 10 was put and negatived.

Mr. Speaker: I shall put Government amendment No. 126 to the vote of the House. The question is:

Page 27, line 25.—

after "the property shall be given", *insert*—

"and such possession shall, as far as practicable, be given to the person who appears to the Government or, as the case may be, the person authorised as aforesaid to be entitled to the possession of the property at the time such order is made." (126)

The amendment was adopted.

Mr. Speaker: The question is:

"That clause 35, as amended, stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clause 36 was added to the Bill.

Clause 37— (*Compensation for acquisition of requisitioned property*)

Mr. Speaker: There are some amendments to clause 37—127, 128 and 129.

(*Amendments made*)

(i) Page 28, line 36,—

for "the owner of any property acquired under section 36", *substitute*—

"any person interested". 127)

(ii) Page 29.—

after line 4, *insert*—

"(3) The provisions of section 31 and section 32 shall apply in relation to the acquisition of any property or the determination of compensation for such acquisition as they apply in relation to the requisitioning of any property or the determination of compensation for such requisitioning." (128)

(iii) Page 29, line 5,—

for "(3)" *substitute* "(4)". (129)
(*Shri Datar*)

Mr. Speaker: The question is:

"That clause 37, as amended, stand part of the Bill."

The motion was adopted.

Clause 37, as amended, was added to the Bill.

Clauses 38 and 39 were added to the Bill.

Clause 40 was added to the Bill.

13 hrs.

Clause 41— (*Rule to be laid before Houses of Parliament*)

Mr. Speaker: Now, there is clause 41. There is amendment No. 130 by the Government. Is amendment No. 65 also going to be moved?

Shri Datar: I beg to move:

Page 30, line 35,—

for "made under this Act" *substitute*—

"made by the Central Government under this Act". (130)

Shri Siddananjappa (Hassan): I want to know the reactions of the Government.

Shri Datar: We are following the usual practice of laying the rules on the Table of the House. The hon. Member wants that they should be placed on the Table of the House either in the next session or at some other time. That is the reason why the expression has been put, namely, "successive". So, the discussion can be held either when the rules have been laid or in the next session in which the period expires.

Mr. Speaker: He is not accepting them. Then, the hon. Member is not moving it?

Shri Siddananjappa: No, Sir.

Shri Hari Vishnu Kamath: Sir, I submit that it is a universally-accepted axiom of the system of Parliamentary Government that when Parliament empowers the Government to make rules or orders under an Act passed by it, it only delegates its power and does not abdicate its power. In this connection, may I invite your attention to the fact that the rules that have been laid on the Table of the House at present, at the moment, are rules under the ordinance and as such, we did not table any amendment to the rules, and after the Act is passed by the House, they will have to amend the rules perhaps in the light of the amendments made in the Bill and bring them before the House again.

May I request you to direct the Government that they place the rules—because this is an important Bill involving the life and property of our citizens—under the Defence of India Act before this House in this session itself. These rules must come before this House in this session. We do not mind sitting through the whole night if need be. The rules must be considered in the House.

Mr. Speaker: This suggestion of sitting through the night has always been contingent on the Minister of Parliamentary Affairs giving him a dinner! (*Interruption*).

Shri Hari Vishnu Kamath: May I humbly remind you, Sir, that you yourself offered it; all the Members were good enough to accept it, and I accepted it straightaway.

Mr. Speaker: That offer came from me. The present suggestion is from him.

Shri Hari Vishnu Kamath: In this context, may I invite your attention and the attention of the House and of the Minister particularly, to the very illuminating observations that you had made when you addressed the Committee on Subordinate Legislation on the 31st August of this year. it was the first or the second meeting; I think it was the first meeting. If the Government pays heed to what you said, the observations you had made, it will be good. Perhaps you feel a little embarrassed when I read them, but they are in keeping with the traditions of the best Parliament in the world.

May I read out, with your leave, one or two extracts from what you said. I hope I have your indulgence. Even

[Shri Hari Vishnu Kamath]

the other day, the Government did not accept my very innocuous amendment that every rule under the ordinance must be placed here. You also persuaded them but they would not accept it. I do not know—this spirit of parliamentary democracy does not grow in the Treasury Benches; it only grows in the Opposition Benches. It does not strike root in the Treasuary Benches. I hope in your time, at least, you will see to it that this spirit flourishes and grows, particularly on the other side.

May I, with your leave, take just a few minutes and quote what you have said—the useful and helpful suggestions made by you to the Government, particularly because we are one with you in this respect? You said on the 31st August:

> "Parliament has to keep an overall control over the executive, be it financial, be it legislative or in other respects."

Then, you went on to say—this is very striking and it is a very serious matter—

> "We had instances where rules in respect of certain matters had not been framed at all even for two years and the executive went on doing what they liked according to their whims and fancies."

Some of us are accused of being very irresponsible when we make certain charges but you cannot be accused of any such thing. I am sure you must have very valid grounds for making such serious charges against the Government. Let them pay heed, even at this late hour of the day, and mend their ways before they are ended.

An Hon. Member: Hear, hear.

Shri Hari Vishnu Kamath: May I just point out another matter? In the course of the illuminating speech you made on that occasion,—

Shri Tyagi: I do not know if this is proper. He takes resort,—belonging to the Opposition,—to your statement and to quote from it. I do not know whether he is authorised—

Shri Hari Vishnu Kamath: The people, the people of India, have authorised me.

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath: I come to the last observation you made—perhaps the best of the observations:

> "We should be in a position to tell them that they have exceeded in something, they have not complied with some other things, etc. Now, the rules are not made by the Ministers themselves though the Ministers are as good representatives as the members of this Committee. They are made by those officers who sit in their rooms,—"

Therefore, the importance and the urgency of Parliamentary control comes in here. I do not blame Shri Datar. Personally he has not the time to go into these things. It is not his fault. The rules are made by the officers sitting in their rooms.

> "They are made by those officers who sit in their rooms, who have no contacts with the public outside."

The citizens outside—you and I and Members on the other side also come under the public outside.

> "They cannot realise the feelings that an ordinary citizen has."

May I add, in this context, that these citizens are those whose lives and properties are also involved in this particular Bill?

> "The officers do not know how it affects the citizens. They do not know what reaction the citizen has to the rules that are made and how harshly they have affected the citizens."

Shri Tyagi: How can the Speaker come here?

Shri Hari Vishnu Kamath: Perhaps he does not know that we are on the rules.

Shri Tyagi: On a point of order. I do not know how far it is regular for any Member to bring the Speaker's speech into discussion. This speech cannot be a part of this discussion. The hon. Member is taking too much advantage. He has become a problem for us indeed. We cannot object to what he has brought forth because, after all, he is quoting from your speech, but then.... (*Interruptions*).

Mr. Speaker: I was not speaking during an emergency. It was ordinary time. At that time, with the experience I had, and as Chairman of that Committee, I expressed myself freely and they are there. (*Interruption*).

Shri Hari Vishnu Kamath: Shri Tyagi perhaps thinks that this is a secret and privileged document which cannot be used in the House. I am sorry for his ignorance.

Shri Shivaji Rao S. Deshmukh (Parbhani): Is it something relating to the clauses here in the Bill?

Shri Hari Vishnu Kamath: Please read the clause under consideration. Then you will understand. This should not be Shivaji's spirit! Then, you, Sir, said:

> "We are Members of Parliament. The executive also is responsible to the Parliament. But, as custodians of the rights of the citizens, we have to look to the interests of the citizens."

I will not quote more. I wish the Miniter reads his speech *in extenso* and I hope he will be benefited by the guidance that you gave to the Government in this regard. (*Interruption*). Before I conclude, may I repeat the request I made to you the other day? Once the Parliament adjourns, it may not meet for another six or seven weeks, and we will not know what Government may do with the powers that are given in this Bill, that are conferred on the Government, to make rules, after the Parliament adjourns. Therefore, it is imperative, in the context of the national emergency, that the rules must be framed now. Let them sit overnight and we will also sit through the night, and let us pass these rules under this clause of the Bill in the interests of the lives and properties of the citizens of India.

Dr. M. S. Aney (Nagpur): May I make one observation, Sir? It could have been more decorous if my hon friend, in quoting the extracts from your speech, had not referred to you as Speaker but as Chairman of the Committee on Subordinate Legislation. It would have been more decorous if he had done so.

Shri Tyagi: I wish to make one point, and would like to have a clarification. I agree with the anxiety of my hon. friend Shri Kamath about these rules; and that is justified too; so many powers are being given to the Government with the fullest confidence and believing in the sincerity of the Government, and we know that they will never misuse it. But even then, it is for the Parliament to safeguard the rights of the citizens. Therefore, I quite understand my hon. friend's anxiety.

I know the rules will be laid on the Table of the House. But rule-making powers are also being given to State Governments in certain cases. For instance, clause 38 says:

> "The Central Government or the State Government, as the case may be, may by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter."

Will those rules also be laid on the Table of this House?

Mr. Speaker: They would be laid on the Table of the State Legislatures.

Shri Tyagi: But the Act is ours. The State Government will have to comply

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with this Act according to what Parliament decides. So, Parliament must know what rules are there and in what manner they are exercising that executive power. This is a matter, Sir, which you may yourself look into. Those rules must be at least laid on the Table of this House, because this law operates according to those rules. Suppose the rules are such that we do not agree; then the blame will come on Parliament. I would like to have a clarification on this point.

As regards the anxiety of my hon. friend, Shri Kamath, that the rules must be passed in this very session, I am afraid it would not be possible for the Government to frame all these detailed rules and place them on the Table in this very session. There is a committee of Parliament on Subordinate Legislation and all the parties are represented on that committee. The rules, after they are framed, may be placed before that committee and that committee might approve of those rules. It would be enough if that committee looks into those rules even after the session is over.

Shri Hari Vishnu Kamath: The rules under the ordinance are published already.

Mr. Speaker: If the rules have to be placed and remain on the Table for 30 days, how would it be possible to pass them before 11th?

Shri Hari Vishnu Kamath: Let them place the rules on the Table this session.

Shri Ranga: I agree with my hon. friend, Mr. Tyagi. In the meanwhile, before the next session is convened, it should be possible for the hon. Home Minister to convene a meeting of the Subordinate Legislation Committee and place the rules before them, for their information and any suggestion that they might possibly make. Thereafter, he may bring forward those rules and place them on the Table of the House before the next session.

Regarding the other point about State Governments being authorised to make rules, if and when they make those rules, I dare say they would be placed ordinarily before the Government of India for their approval. Thereafter, I would like those rules to be placed on the Table of the two Houses of the Parliament, so that Parliament would have an opportunity to study those rules and if any Member finds it necessary to suggest any amendments, it should be possible for him to draw the attention of the House.

Shri C. K. Bhattacharya (Raiganj): Sir, Mr. Kamath has been quoting your remarks in a spirit of bravado as if a second Columbus . . .

Mr. Speaker: I may correct this mistake also that those observations were not made by the Chairman of the Committee, but by the Speaker. I had said that these were the result of the experience gained by me as Chairman of the Committee, but I made those observations as Speaker after that. Many of those things that have been suggested—the lacunas—have been remedied also.

Shri Tyagi: Why should he quote scriptures?

Shri Hari Vishnu Kamath: Because he is the devil.

Shri C. K. Bhattacharyya: He has quoted your remarks. . . .

Shri Hari Vishnu Kamath: On a point of order, Sir. He has used the word "bravado". I only quoted from your speech and by transferred epithet it would mean he is attributing bravado to you, Sir, because you actually said that and I only quoted your remarks. It is wrong on the Member's part to attribute bravado to the Speaker. He should have refrained from that.

Shri C. K. Bhattacharyya: I do not know, Sir, if you have followed the

point of order in Mr. Kamath's interrupting my speech; at least I have not been able to follow. He has been quoting your remarks in a spirit of bravado as if a second Columbus had discovered America. In fact, these are very elementary things in a democratic Government and as you yourself remarked, they were said in normal times. What I observe from the opinions expressed and the remarks made is that some of the Opposition Members are completely out of touch with realities.

Shri Hari Vishnu Kamath: The Prime Minister was; the Government was.

Shri C. K. Bhattacharyya: They completely forget and overlook the fact that the Government they are dealing with is a people's Government.

Shri Hari Vishnu Kamath: We are also people's opposition.

Shri C. K. Bhattacharyya: I do not want to take away from the representative character that Mr. Kamath might have derived from the people. . . .

Shri Hari Vishnu Kamath: All of us on this side have derived it.

Mr. Speaker: Order, order. Word by word there ought not to be a dispute.

Shri C. K. Bhattacharyya: In any case, the Opposition Members may form mutual admiration societies among themselves. . . .

Mr. Speaker: Order, order. Now he should come to the amendment and leave that.

Shri C. K. Bhattacharyya: So far as the rules are concerned, I say there need be no such apprehension if only this very elementary fact is remembered that the times we are dealing with are abnormal times. It is a situation in which an emergency has come into existence and the Government that we are dealing with is a Government of the people and not an outlandish Government, as the Opposition Members would make it look to be. If it is looked upon with that spirit, there would be no difficulty in appreciating and accepting the position that has been put into the clause under discussion now.

Shri Datar: Mr. Speaker: Sir, your observations were quoted. May I point out to my hon. friend that the Speaker's observations are entitled to the highest weight and Government give the greatest and most respectful attention to all the suggestions made by the Speaker. . .

Shri Hari Vishnu Kamath: And implementation also.

Shri Datar: But you have yourself made it clear, Sir, that the observations to which my hon. friend made reference, had been made before the emergency. That rises certain questions also which will have to be taken into account. According to the amendment that I have proposed, all the rules that the Government of India make will be placed on the Table of the House. The practice is to place on the Table of the House the rules that the Government make under the authority vested in them by the power of delegation that has been given. After the ordinance was issued, Government made certain rules and those rules also have been placed on the Table. Under the circumstances, after the Bill has been duly approved of by the two Houses of Parliament and the President sets his seal of approval, thereupon this Government will have to make the rules in accordance with the provisions of this Bill, which would become law. Therefore, some more time is essential and it would not be possible to make all the rules and then to place them on the Table of the House during this very session.

So far as the rules which the State Governments make are concerned, it is entirely a matter within their province and you rightly pointed out that those rules will have to be placed on

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the Table of the various State Legislatures.

Shri Ranga: May I point out that it is a delegated authority that we are giving to these Governments. They do not derive that from their legislatures. Therefore, those rules should be submitted to the Home Ministry and through the Home Ministry to this House.

Shri Tyagi: The meaning of placing the rules on the Table of the House is to give the House an opportunity to judge as to whether the rules are in conformity with the wishes of the House. It is our wishes and therefore only we can best judge as to whether these rules are the real interpretation of our wishes. Therefore, it is not for the legislative assemblies to decide.

Shri Ranga: Sir, I would like to seek guidance from you whether the State Governments are really bound to place these rules on the Table of their legislatures, because this power is not derived directly from their legislatures, it is being delegated by this Parliament through the Government to the State Governments.

Shri S. M. Banerjee: Sir, if I have correctly followed the hon. Minister's contention, what he has stated is this, that whatever rules are framed by the State Governments will only be laid on the Table of the State legislatures. It means the Centre will have nothing to do with them. This is a very serious matter. After all, this Bill is supposed to be the "mother Bill" and all the rules follow from this Bill. Naturally, it will be highly objectionable, rather something unique in the history of this House, that after a Bill has been framed by this House the rules arising out of it or framed under that Bill will not be laid on the Table of this House. This will be something very wrong, and I totally oppose it.

Shri Datar: As my hon. friend, Shri Tyagi, pointed out, the State Governments will be making rules under their own authority and those rules they will place on their Table of their own legislatures. (*Interruption*). So far as we are concerned, whenever we make any rules under the powers granted by the Parliament or by the provisions of the Bill, those rules will be placed on the Table of this House. That is the reason why I have made it clear by amendment 130 by saying: "all the rules made by the Central Government under this Act".

Mr. Speaker: The question here is this. The hon. Members here are anxious that because this law is being enacted by this Parliament Government should not divest itself of the responsibility of placing those rules here because the State Governments are being authorised to make rules under this Act also. The first question is whether really all those rules made by the State Governments should be placed on the Table of this Parliament. That is not possible because that would certainly be making a bad precedent. We have already decided that those rules that are made by the State Governments are to be placed on the Table of those legislatures and not on the Table of the Central legislature. But there is one thing that I have experienced, and I would therefore request the hon. Minister to take precautions in that. When a Bill is passed and an enactment is made by the Central legislature and the State Government is authorised to make rules thereunder, they do not place those rules even on the Table of the State legislature. They find refuge in this respect that they are only bound to place those rules on the Table of that House which are made under any law passed by them. Therefore, they escape all liability. They are not placed here and they are not placed there. They are placed nowhere. The House would not tolerate this. Of course, it must be subject to the scrutiny by a legislature.

Then, if the rules are made by State they would be different in different States in some respects. Therefore, we canot decide on those rules. If the States have to make rules according to their own requirements, according to their own needs, then the best authority that can scrutinise them and make amendments, I think, is the State legislature. But at least this much should be assured to this House that the Home Ministry would issue directions to the State Governments that the rules made by them under this Act shall be placed on the Table of their legislatures. That must be assured to this House. This is the minimum that is required.

Shri Tyagi: Sir, if you will kindly permit me, could they also assure this House that whatever rules are framed by the State Governments shall have the approval of the Ministry at the Centre? Let them at least see that copies of the rules that they make are sent to the Central Government, if not Parliament, and let the Central Government see that the rules are strictly in conformity with the wishes of this House.

Mr. Speaker: There are committees on subordinate legislation. It is for those committees to see that any rules made by the executive are in conformity and do not exceed the extent authorised under the provisions of the law. There is a Committee on Subordinate Legislation here.

Shri Hari Vishnu Kamath: Sir, on a point of clarification on your direction given to the Government, may I ask whether it will involve a serious deviation from the existing practice if after the rules framed by the State Governments have been adopted by the legislatures finally, after being placed on their Table, they are laid on the Table of this Parliament or before the Committee on Subordinate Legislation of this Parliament for information only?

Mr. Speaker: There is no harm. For information they might be called for. This might also be provided that the State Governments might be asked that they should send copies of the rules here to our Committee for information.

Shri Tyagi: Why should they not be made to obtain the Central Government's approval, if not Parliament?

Mr. Speaker: This is the responsibility of the Central Government.

Shri H. N. Mukerjee: Sir, I could not understand one thing. If these rules made by the State Governments are sent to Delhi only for information then it wil not be open to Parliament or to the Subordinate Legislation Committee to examine whether they are or not in conformity with this Act.

Mr. Speaker: Then the Committee here can only suggest to the Committee in the State that in their opinion they have exceeded the powers granted and therefore they should look into it.

Shri H. N. Mukerjee: It means the Subordinate Legislation Committee of this House has the power, the jurisdiction and the duty of examing the rules made by the State Governments.

Mr. Speaker: No one can debar us; we might examine whatever we like.

Dr. M. S. Aney: Have the States also committees on subordinate legislation?

Mr. Speaker: Yes.

Dr. M. S. Aney: Can we not issue one instruction that the rules made by the States should be consistent with the principles of this law and the rules made by us?

Mr. Speaker: That is always there; that is to be understood. I shall now put the amendment to the vote of the House. The question is:

Page 30, line 35—

for "made under this Act"—*substitute*—

"made by the Central Government under this Act" (130).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 41, as amended, stand part of the Bill."

The motion was adopted.

Clause 41, as amended, was added to the Bill.

Clause 42 was added to the Bill.

New Clause 42A

Mr. Speaker: There is an amendment for New Clause 42A. Is he moving it?

Shri K. Pattnayak (Sambalpur): Sir, I beg to move:

Page 31,—

after line 17, *insert*—

"42A. For the removal of doubts it is hereby declared that notwithstanding anything contained in this Act the *writ* of *habeas corpus* is not suspended and that there can always be a resort to the Supreme Court for revision or appeal." (98).

Sir, this is a general and somewhat fundamental amendment. It is a simple move to assert that the essence of democracy should never be sacrificed, because we say that we shall win as we are democratic, and the *writ* of *habeas corpus* and the Supreme Court constitute about 80 per cent of democracy. That is why I urge that there should be an assurance that this would not be sacrificed.

Shri Datar: Sir, the amendment that the hon. Mover has moved cannot be accepted at all for the reason that already orders have been issued by the President under article 359(1) suspending the rights under articles 21 and 22. What the hon. Member wants is that the right of filing a writ petition should continue. That is entirely inconsistent with what has been done by the President already.

Shri Hari Vishnu Kamath: May I ask for a clarification? The President passes an order and the order is laid before Parliament. A question was raised some time ago by Shri Tyagi also as to when an order of the President is laid before Parliament whether it is not open to Parliament to suggest a review of the order, or changes in the order, to the Government so that Government might pass it on to the President. Is it not open to us to do so? Can we not do it? Is it final? The Constituent Assembly debates.....

Mr. Speaker: We should look into the words in the Constitution. If the words are clear, we cannot look back to the debates.

Shri Tyagi: The very fact of laying before Parliament means that Parliament immediately takes control of that document and we can decide one way or the other.

Mr. Speaker: The hon. Member should quote the article or the rules so that I might consider whether it is possible or not. We cannot argue in the air.

Shri Datar: Article 359.

Mr. Speaker: That article says:

"(1) Where a Proclamation of Emergency is in operation, the President may by order declare that the right to move any court for the enforcement of such of the rights conferred by Part III as may be mentioned in the order and all proceedings pending in any court for the enforcement of the rights so mentioned shall remain suspended for the period during which the Proclamation is in force or for such shorter period as may be specified in the order.

(2) An order made as aforesaid may extend to the whole or any part of the territory of India.

(3) Every order made under clause (1) shall, as soon as may be after it is made, be laid before each House of Parliament."

Shri Hari Vishnu Kamath: May I earnestly request you to consider that even during the second world war the British Government did not deprive us, did not take away this prerogative of *habeas corpus*.....

Mr. Speaker: But we have a written Constitution.

Shri Hari Vishnu Kamath: That is all right. But even the British Government did not deprive the citizens of that liberty which is conferred by the prerogative of *habeas corpus*. It is for your consideration whether Parliament cannot suggest anything to the Government to be passed on to the President so that he may review his order.

Shri Tyagi: We use the term "laying on the Table of the House" frequently. When something is laid on the Table of the House, it means that directly or indirectly the approval of the House is obtained for that. The very fact of laying a document before the House means that the House has full control over it. In the case of an Ordinance also, the same words are used that it shall be laid on the Table of the House.

Mr. Speaker: But that is under a different provision of the Constitution. Then, the Ordinance has to be followed by an Act of Parliament, where Parliament can do whatever it likes.

Shri Tyagi: Therefore, anything laid on the Table of the House becomes in possession of the House. That is the intention. If it is only a notification, laying on the Table is not necessary; publication in the Gazette is enough for the purpose. The very fact that it is specifically mentioned in the Constitution that it shall be laid on the Table of the House, and not mere publication in the Gazette for publicity, shows that the House will have fuller control over it and will consider it. The supremacy of the House has to be established even over the President because, after all, Parliament is the representative of the people.

Mr. Speaker: But when there is a specific provision in the Constitution, giving powers to the President, those powers are his because the Constitution is supreme.

Shri Tyagi: That is true. But Parliament is supreme in the sense that we can impeach even the President.

Mr. Speaker: We are only representatives of the people. The will of the people, the Constitution, is there. We are subordinate to that Constitution. Ours is only the will of the representatives. When it is specifically provided in the Constitution that every order passed by the President shall be laid on the Table of the House, that does not necessarily mean that it is subject to any modification being made by Parliament. In every law or order that we pass here we add the phrase "subject to modifications that might be made by Parliament". It is only in such cases that we are competent to make any alterations, modifications, omissions or additions. When that phrase is not there and the Constitution itself only provides that it shall be laid on the Table of the House, it does not necessarily mean that it would be subject to modifications or alterations by Parliament.

Shri Hari Vishnu Kamath: May I humbly request you to view this matter from another angle? We submit to your ruling and we agree with your ruling that Parliament cannot make any modification. Is it not a fundamental rule of law-making or rule-making that the power or authority which makes the rule or order can also change its own order and pass another order?

Mr Speaker: Yes.

Shri Hari Vishnu Kamath: Therefore, if Parliament takes cognisance of this and, under your able guidance, suggest certain changes—we do not modify it; we suggest certain changes to Government—and Government conveys it to the President and the President passes a fresh order, modifying

[Shri Hari Vishnu Kamath]

his own previous order, will it not be in order?

Shri H. N. Mukerjee: It seems that the emergency envisaged in that article of the Constitution is an emergency of such a sort when even Parliament cannot meet. The emergency at the present time is one when luckily Parliament is in a position to meet and have its deliberations. In view of that, my suggestion is—I am not questioning your ruling; I am not even saying that the provision in the Constitution has to be defied or anything of that sort—that Government should take into consideration the desirability of consulting Parliament when Parliament has actually been summoned by the President himself, and asking the Parliament's advice in regard to a certain emergency declaration which the President has made. That is a matter of propriety, that is a matter of courtesy to the representatives of the people. That is the point which I wish to convey.

Mr. Speaker: The suspension of Parliament is for a different emergency.

Shri H. N. Mukerjee: My point is that Parliament is not in the picture at all. The President issues an order which surely has to be obeyed by everybody, irrespective of the fact of Parliament having discussed it or not.

Mr. Speaker: Now Parliament is in the picture.

Shri H. N. Mukerjee: Naturally, Parliament cannot discuss it. But my point is that the makers of the Constitution envisaged a period when Parliament cannot meet; it is such an emergency. Therefore, President orders. . . .

Mr. Speaker: They did envisage that contingency. That is provided for in a different article.

Shri H. N. Mukerjee: It may be so; naturally, it has to be provided for differently, because you have to envisage the functioning of the country without Parliament. But the country today is functioning with the Parliament very much in the picture. Therefore, it is necessary, in the interests of parliamentary propriety, for the Government to come before Parliament and to explain the reasons why President has been advised by the Council of Ministers to make that order so that Parliament may have a full opportunity to discuss it.

Shri Rane (Buldana): We have already approved the proclamation of emergency and discussed this matter for four or five days.

Shri Krishnamoorthy Rao (Shimoga): The operative portion "shall remain suspended for the period during which the Proclamation is in force" is very important.

Some hon. Members *rose*—

Mr. Speaker: I think we have had sufficient discussion on this and I have given my reaction or ruling, whatever you would like to call it. I do not think I can introduce into it words that hon. Members wish ought to be read in it. I do not agree there.

Now the question is:

"Page 31,—

after line 17, *insert*—

'42A. For the removal of doubts it is hereby declared that notwithstanding anything contained in this Act the *writ* of *habeas corpus* is not suspended and that there can always be a resort to the Supreme Court for revision or appeal.' (98)"

The motion was negatived.

Mr. Speaker: The question is:

"That clauses 43 and 44 stand part of the Bill".

The motion was adopted.

Clauses 43 and 44 were added to the **Bill.**

Clause 45— (*Savings as to orders*)

Mr. Speaker: Is any amendment being moved to clause 45 by any hon. Member?

Shri Hari Vishnu Kamath: I am not moving my amendments Nos. 150 and 151 to clause 45.

Shri Datar: I am not moving any amendment to it.

Mr. Speaker: The question is:

"That clause 45 stand part of the Bill."

The motion was adopted.

Clause 45 was added to the Bill.

Clause 46—(*Chapter III not to apply to measures taken for the protection of Armed Forces*)

Shri Hari Vishnu Kamath: Sir, I beg to move:

Page 31, line 40,—

add at the end "or stores". (152).

Sir, I want to make this clause a little more comprehensive. As it stands, in my humble judgment, it does not include military stores and I do not think, in the ordinary connotation of the words "military installations" they include "military stores" also. As I know it, the meanings of these words, that is, 'installations' and 'stores' are not co-terminus or synonymous.

Shri Datar: May I say, Sir, that I am accepting the hon. Member's amendment?

Mr. Speaker: Then, the question is:

Page 31, line 40,—

add at the end "or stores". (152)

The motion was adopted.

Mr. Speaker: The question is:

"That clause 46, as amended, stand part of the Bill."

The motion was adopted.

Clause 46, as amended, was added to the Bill.

Clauses 47 and 48 were added to the Bill.

New Clause 49 (*Validation of certain requisition*)

Amendment made:

Page 32,—

after line 16, *insert*—49 (New).

"Validation of certain requisitions.

49. All property, immovable or movable, purporting to have been requisitioned under the Defence of India Ordinance, 1962, on or after the 26th October, 1962 and before the coming into force of the relevant provisions of that Ordinance or the Defence of India Rules, 1962 made thereunder shall be deemed to have been validly requisitioned, as if that Ordinance and those rules had been in force on and from the 26th October, 1962 and accordingly the provisions of this Act and those rules shall apply to and in relation to such requisition." (131) 4 of 1962.

(*Shri Datar*)

Mr. Speaker: The question is:

"The clause 49 be added to the Bill."

The motion was adopted.

Clause 49 was added to the Bill.

Clause 1—(*Short title, extent, application, duration and savings*)

Shri S. M. Banerjee: Sir, I beg to move:

Page 1, line 13,—

for "the Defence of India Act, 1962", *substitute*—

"the National Defence Act, 1962". (66).

[Shri S. M. Banerjee]

Sir, this amendment is very simple. I only want that for the words "the Defence of India Act, 1962", the words "the National Defence Act, 1962" be substituted. I hope the national leaders who are in power today realise that under the name of "Defence of India" the Britishers ruined our country. They put all our national leaders in jails. So these words sound very bad. They remind us of the old stories of atrocities committed by the Britishers. When under the emergency everything in this country is called National Defence Fund, National Defence Council etc., what objection can there be in accepting this simple amendment saying that the Bill should be known as the National Defence Act, 1962 so that this may enthuse the people and arouse their national sentiments to a pitch where they do not see the defects of the Bill? The very name of the Bill will arouse their national sentiments.

Shri H. N. Mukerjee: Sir, I support the suggestion made by my hon. friend. As I said when I spoke at the consideration stage, it is necessary that this kind of an emergency legislation is implemented in the spirit of having the complete trust and the confidence of the people. That is why the nomenclature also has a certain significance. If today instead of having the bad old British title of the old day regarding the defence of India, we have another title which is more in conformity with the understanding of our people today, it should appeal to the heart. That is why it should be easy for Government to accept it.

Shri Ranga: May I also say, Sir, that we would certainly very much like the hon. Home Minister to agree to this amendment? It sounds better. I think there is much force in what our hon. friends have said. When the executive officers begin to enforce this legislation and when it is stated that it is being done for national defence, just as we have fought for national freedom, it would evoke greater sense of co-operation among the people and people's reaction to it would be better.

Shri Tyagi: I hope, Sir, the hon. Home Minister will pardon me because I am also inclined to agree with the Opposition.

Mr. Speaker: What is the reaction of the hon. Home Minister?

Shri Datar: It is not necessary. My difficulty is....

Mr. Speaker: I also must join with the reasons advanced for it. The hon. Minister might consult his advisers. I also feel that way.

Shri Tyagi: I would like the hon. Minister to pay heed to one thing. It was called the Defence of India Act because the British Government had to defend many other colonies also. Therefore, India being one of the colonies, they came out with the Defence of India Act because the defence of other colonies could also come. If we are an imperialist power and have so many colonies to defend, the word 'India' is necessary; but what is defence of India in India itself? It looks as bad as some friends in Assam and some other places found the slogan "Welcome to Indian soldiers". Why Indian soldiers? The word 'Indian' is used by those who are not Indians. W should say, "Welcome to our soldiers" or "Welcome to soldiers". To emphasise the word 'India' does not look well in the context of today. During the British days when the Defence of India Act was passed, they had so many other colonies to defend and therefore it was called the Defence of India Act. But now we are Indians and we have no colonies. So, National Defence Act would look much better. It will also inspire a good spirit. I would make one appeal to the Government Benches. Let them see that the whole House has given so much of co-operation to them by giving these huge powers which are vested in them for this purpose. Therefore,

if the words 'National Defence' are more inspiring, let us name it "National Defence Act". It will be an excellent idea. I fully support this suggestion.

Shri Datar: Sir, I would have been very happy to accept the suggestion of the House but I feel that the word 'national' is out of place here.

An Hon. Member: Why?

Shri Datar: We have got a Proclamation and the words that we have all along used are 'Defence of India', 'Safety of India' etc.

Shri S. M. Banerjee: By whom?

Shri Datar: All these circumstances will have to be taken into account. What we are anxious about is the defence of the whole of India. Therefore, If we put in the word 'national', it is likely to be a bit out of place.

An Hon. Member: Why?

Shri Datar: I would have been happy to accept the suggestion specially when you also lent your powerful support to it. But I feel, with all deference, that it looks a bit out of place. So far as the present Bill is concerned, it is an emergency measure. So, let it be as it is, namely, "the Defence of India Act, 1962".

Shri Shivaji Rao S. Deshmukh: No, Sir. I think, what the hon. Home Minister wants to convey has adequately been conveyed by sub-clause (2) in which it says that it extends to the whole of India.

Mr. Speaker: Is he supporting the hon. Home Minister?

Shri Shivaji Rao S. Deshmukh: No, Sir. When sub-clause (2) is clear, we can accept this amendment and make it "the National Defence Act, 1962".

Shri Tyagi: I fully accept it. It is a good thing.

Dr. M. S. Aney: I only want to draw the attention of the House to our Constitution which says that the name of this country is India, that is, Bharat. So, the word 'India' can mean nothing else but the whole of India, that is, Bharat. I have got no objection to put in the words 'National Defence'. Put the words 'National Defence' if you like, but to say that by having it as "Defence of India Act" it is likely to carry some other idea is not correct.

Shri Tyagi: It is a better sounding word.

Dr. M. S. Aney: It is intended for the protection of India.

Shri Tyagi: Are you aching for a defeat?

Mr. Speaker: Order, order. The hon. Member should not get up like that when another hon. Member is speaking.

Shri C. K. Bhattacharyya: I do not understand why there is this aversion to the term India. What is the difference between its being called the Defence of India Act and the National Defence Act?

Mr. Speaker: This accusation can be thrown by this side also, why is this side averse to the word National. That is no argument.

Shri C. K. Bhattacharyya: Because....

Mr. Speaker: They are not averse to the word India. They only say that if 'National' also is put, that would inspire the people much more. That was the idea. Otherwise, if the Government insists that there is no need, I cannot say.

Shri Datar: May I point out one difficulty? The amendment as has been moved is the National Defence Act.

Shri S. M. Banerjee: National Defence of India—I am ready to correct it.

Shri Ranga: We can do it now.

Shri Datar: National Defence Act; that is as he wants to put it. Defence of India is better so far as the purposes of this Act are concerned. In the preamble, all along, we have been making reference to India. With due deference to hon. Members....

Shri Tyagi: Will it make any difference?

Shri Datar: ....I should like that it should not be pressed.

Shri Tyagi: Suppose you agree to that, will it make any difference? Why on such a matter do you not accommodate the wishes of the House?

Shri Datar: This is out of place. That is what I have pointed out here.

Mr. Speaker: Now, I think, we should stop here. Amendment No 66: does he press it?

Shri S. M. Banerjee: No.

Amendment No. 66 was, by leave, withdrawn.

Mr. Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. Speaker: The question is:

"That the Enacting Formula stand part of the Bill."

Shri Datar: There is an amendment.

Mr. Speaker: That is not to this. The question is:

"That the Enacting Formula stand part of the Bill."

The motion was adopted.

The Enacting Formula was added to the Bill.

Mr. Speaker: The Preamble.

Shri Datar: I move:

Page 1, line 5, *for* "expedient", *substitute* "necessary" (100).

So far as the Preamble is concerned, it is suggested that the word 'necessary' should be put in the place of 'expedient'. That is all.

Mr. Speaker: The question is:

Page 1, line 5, for "expedient" *substitute* "necessary" (100).

The motion was adopted.

Mr. Speaker: The question is:

"That the Preamble, as amended, stand part of the Bill."

The motion was adopted.

The Preamble, as amended, was added to the Bill.

Mr. Speaker: The question is:

"That the Long Title stand part of the Bill."

The motion was adopted.

The Long Title was added to the Bill.

Shri Datar: I move:

"That the Bill, as amended, be passed."

Mr Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri H. N. Mukerjee: They will be very brief.

Shri H. N. Mukerjee: Mr. Speaker, . . .

Shri Ranga: Five minutes each.

Shri S. M. Banerjee: Two minutes each.

Shri Ranga: How can you do it in two minutes?

13.54 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Shri H. N. Mukerjee: . . .We shall be putting on the statute-book the Defence of India Bill in a very short while and I wish to say at this stage that, while we would have been happier if certain provisions suggested from this side of the House had been agreed to by the Government, even so, it goes without saying that, in an emergency, when extraordinary steps are necessary, the Bill should have our entire support and the Bill, as the wisdom of the House has fashioned it, does have our complete and un-ambiguous support.

We had sought to amend the provisions regarding the constitution of Special Tribunals, the right of the detenu to represent his case against the charges on which he is held, his right of appeal and such other things. A colleague of ours, Shri Nambiar, was here yesterday pressing for some of these provisions. Today, I am told, he has been whisked off to jail. I wish he could be told, why he is being held and he could also give his side of the case to the authorities. Anyway, we asked for certain changes because we felt, and we are convinced, that national defence can best be conducted if the total unity of the country against aggression can be trusted by the Government and utilised to the maximum extent. However, since the emergency is very much there, we do not make a grouse of these things and I reiterate our support to this Bill. We hope in its implementation, the Government would act with firmness, no doubt, but at the same time, with justice.

I say I reiterate our support advisedly because, in the course of the debate on this Bill, our attitude has been sought to be seriously mis-construed. I do not know why. The Law Minister, when he spoke, chose to say that I spoke intemperately and raised what he calld the sole discordant voice against the Bill. I do not know why he did not mention my good friend Shri Ranga whom I heard very carefully, who was perhaps a great deal more critical of certain provisions of the Bill than I was. I find the West Bengal press, certain sections of it, are trying to make out as if we had opposed the Bill. As a matter of fact, I have done nothing of that sort. My hon. friend the Minister of State was perhaps not there. But, the Deputy Law Minister listened to what I had to say. I never raised a discordant voice against the Bill. I said categorically that it was imperative and a necessary carollary from the Resolution that we had all unanimously accepted, the Resolution moved by the Prime Minister. Of course, I felt strongly about about certain things and I expressed myself. I felt strongly about the large-scale arrests of Communists which I cannot but consider extremely ill-advised. Even now, I ask the Government to re-consider this policy of arrests. As far as we are concerned, our decision is there. Our Resolution is there, and whatever the Government does to us, we shall back with all our strength the national policy proclaimed by the Prime Minister and that is why we have every hope that at least the unanimity of the country in regard to the duty of our people at this emergency is not disturbed in the process of the implementation of this Bill.

In regard to this, I seek your permission to refer to the report in today's papers of a resolution adopted by the West Bengal State Committee of the Communist Party. It is very significant and I crave your indulgence for quoting a section of it. In one part of the resolution it is said:

> "Had we not struggled with our understanding to come to the relization—which we have today—and instead, made a volte face overnight, that itself would have been unreal, insincere and suspect. Mindful of the past hesitations we pledge to do all in our power to rally the entire party on the basis of the National Council resolution in defending our motherland, to prove by our blood and sacrifice that the Communists are among the best sons of the motherland."

[Shri H. N. Mukerjee]

I know, sometimes, all kinds of things have been said about us. The Law Minister,—I am sorry he is not here; I am sorry also that when he spoke, I had some other work and could not be present in the House—quoted something which I had written in an article in some newspaper some 12 years ago. It is a magazine article, a copy of which I do not have even with me. I am not a very wise man as the Law Minister said. Perhaps, I am not a very discreet man either. I do not keep copies of these things. But I write pretty often. I have written about Mahatma Gandhi, I have written about Jawaharlal Nehru so many times and at least the country should know what my position is in regard to these problems of national significance. But, I am not referring to my particular case. I would ask the Government and the country through my position here in Parliament to ask certain questions to themselves. Is it not a fact of tremendous significance that when the Chinese Revolution took place, it raised high hopes which were expressed by everybody including our Prime Minister and so many other people? It raised high hopes especially in countries like ours which were fighting for their own freedom and had just emerged into freedom. But, then, after a decade or so, dogmatism in China has led to the degeneration of that Revolution.

Is it not a stupendous fact of human history? Is it a fact which has to be trifled with? Is it a fact which can be understood just like that straightaway by everybody? We do not claim that much of knowledge, that much of insight. We had some hopes about the Chinese Revolution behaving very differently, just as the Prime Minister had hoped about the People's Republic of China behaving differenlty. This kind of thing has happened elsewhere. In the French Revolution also we have seen how a revolution degenerates. Is it not a fact of seminal significance that the Communist Party of India asserts unequivocally its denunciation of the cruel blow which China has dealt India and defamed and degraded socialism in the process. That is the actual thing which has happened. That is why today we find so much of feeling against what China has done. That is why the country is today genuinely and sincerely united in its determination that want China has done cannot and ought not to be supported. That is why we are all absolutely positive in regard to our duty as to what should be done in the present crisis.

14 hrs.

I do not wish to speak much more about it, but since I do not know what might happen in the near future, and since so many of us perhaps are still suspect, I would like to repeat here what I once said to our former Speaker, when some suspicions were voiced about the patriotism of the communists of this country. I remember how even among those in West Bengal who are arrested—my hon. friend the Minister of State can verify it—there are people who have spent nearly 25 years in jail, people who went to jail in the British times at the time of the Chittagong Armoury Raid in 1930 or even earlier. Our patriotism is suspected from time to time, and I told our former Speaker on one occasion, quoting from the Ramayana wher Sita's *pathal-apravesha* is described—my hon. friend the Minister knows it so very well—that if this was the age of miracles, I could, by changing a few words, just changing for the word 'Rama' the word *'desha'* or *'Bharat'*, use the very same words, and the earth would open to take me inside. I could very well say:

मनसा कर्मणा वाचा यथा देशं समर्चये,

तथा मे माधवी देवी विवरं दातुमर्हति ।

I could have said that.

Shri Tyagi: Being a communist, you still know Sanskrit.

Shri H. N. Mukerjee: I could have said:

यथाहं भारतादन्यं मनसापि न चिन्तये,
तथा मे माधवी देवी विवरं दातुमर्हसि ।

I could have said that, and if this was the age of miracles, the earth would open, and everybody would have known where justice lies. I do not want to press this point.

I happen to belong to a university, the Calcutta University, where Ashutosh Mukerjee was the Vice-Chancellor for a very long time, and in a collection of his speeches as Vice-Chancellor, which I read a long time ago, there is a reference to a poet; and those lines have stuck, in my Brahminic memory and they have still stuck in my memory, and I want to repeat them to you. He quoted these words of a poet whose name I forget. He had said at his convocation to the students of Calcutta these words. He said, 'You take this vow', and this was the vow:

"I vow to thee, my country,
All earthly things above,
Entire and whole and perfect.
The service of my love,
The love that asks no question,
The love that stands the test,
That lays upon the alter,
The dearest and the best,
The love that never falters,
The love that pays the price,
The love that makes undaunted
The final sacrifice.".

If we can mobilise inside of ourselves that love for our emerald country, then no matter what danger threatens from abroad or from inside, our country shall be on top of the world again, our country shall again reach that glory which it has been its tradition to achieve during ages past.

Shri Ranga: I reciprocate the feelings expressed by my hon. friend Shri H. N. Mukerjee in regard to the love of country. It is because of that love of our country that Government have come forward with this Bill, and it is because of that love of our country that this Parliament has risen to the expectations held by the Constituent Assembly when this Parliament was bing created by it and has now agreed to let this Bill be passed. The Constituent Assembly gave these powers to the President to declare an emergency as and when such a situation arose to abrogate some of these most precious human rights and place the trust of the whole of the country in the hands of the Government of the day and the civil service and other services which may have to carry out the decisions of the Government. I am glad that the privilege has come to all of us of this day, during this period, to rise to the expectations of the Constituent Assembly and place our trust in the President as has been provided for in our Constitution. The various personal group, class, religious, caste and other groups in which we find ourselves in our country have all placed their trust; we have all placed our liberties, our special privileges and the fundamental rights that have been conferred upon us by the Constitution, in the hands of the Government, in that high hope and trust that armed as they are, or armed as they will be with all these powers, the Government of the day and all those who would have to be associated with the Government, the Opposition as well as the party in power, would be able to achieve the freedom of our country freedom from aggression by the Chinese communists.

This House has found it possible in spite of its own many fears to agree to even those suggestions which have sought to increase the quantum of power or the area of power which Government wanted to take originally under the Bill which they had introduced, through the amendments that it has accepted. most of the amendments having been brought forward at the suggestion of or by the Minister himself. I sincerely hope that the Government here and the Governments in the States will come armed with all those powers, and will also be able to rise to the occasion, and rise above

[Shri Ranga]

partisan political interests and considerations and even temptations that may arise from time to time and implement this law in the national spirit in which this Bill is being accorded consent by this House, and I hope, by the other House also.

It is a dangerous thing, as everyone knows, to place so much power in the hands of any Government. But in a national emergency, it is necessary to run that risk in order to avoid bigger risks and to get over greater dangers and to maintain the integrity of the nation and its existence. That is why we are placing all this power in the hands of the executive. We sincerely hope and trust that not only the Ministers and their Cabinets but also the officers all over the country now functioning and others also who will be brought within the sphere of the executive authority in the future will also rise to the occasion; as you know, Sir, this morning, I wanted the word 'person' to be dropped, but my hon. friend the Home Minister was not willing to do so because he thought that it would be necessary to invoke the aid of many persons who are not now treated or who may not hereafter also come to be treated as officers but whose aid will have to be invoked; I hope that all those officers and those persons whose aid we shall have to invoke in the future in this terrible struggle that we have got to go through in order to liberate our country from Chinese communist imperialism will also rise to the occasion and see that in the exercise of these powers they would, first of all, cherish, and then display the greatest possible respect for the freedom, for the privileges and also for the needs of the masses of this country most of whom happen to be illiterate, and, therefore, are more liable to make mistakes through their ignorance of the law than other people who are better educated.

I need only add one more point and that is, that my heart is very heavy indeed when I think of the prospects of a large number of our colleagues in different parts of the country as well as in this House having possibly to be induced to come within the mischief of this Bill and who, therefore, will have to pay at the altar of our own motherland, whatever may be their political predections, the price that would be exacted from them because of our national need to exact the maximum possible patriotic sacrifices from each one and all of us. That is a kind of punishment, a kind of offering, which, fortunately for us of this generation, is nothing new. I have myself been a detenu for years, a political prisoner on many occasions in the past when some other Government happened to be in this country and they passed their own laws. When I was going through all that, I did not feel any kind of a sense of grievance against my country. On the other hand, I felt a great sense of elation that I was paying at the altar of my country that price which was necsssary in order to achieve that freedom which we were then fighting for, the national freedom. Today I do feel, and I would like my friends also who have already paid the same price and who may have to pay the price in future, to begin to think that the price that they would be paying would be a nobler one than the price that we had to pay because in those days we were trying to gain something which we did not possess, but today we are trying to protect something for which we had to fight for all these years. That is the only solace that I can possibly offer.

With this heavy heart and with all my sincerity to those people who may have to come within the mischief of this law, I support the Bill. But I also sincerely h ope that the President's power to exercise mercy would be kept intact and the Governments, at the Centre as well as in the States, will try to see that that power of mercy of our President would come to be utilised and used to the maximum

possible extent consistently with the interest of our country.

Mr. Deputy-Speaker: Shri Kamath.

Shri Sham Lal Saraf (Jammu and Kashmir) *rose—*

Mr. Deputy-Speaker: There should be very few speeches now.

Shri Sham Lal Saraf: I have not spoken on the Bill so far.

Shri Hari Vishnu Kamath: It is one of the strangest ironies of history that it has fallen to the lot of those, many of whom were victims of the Defence of India Act passed two decades ago by the British Government, to bring before free India's Parliament this measure and get it enacted by the two Houses of Parliament. I have no doubt in my mind that had the Government served the cause of India's defence with half the zeal with which it served the cause of China during the last decade, the country would not have been in this sorry plight today and there might not have been any need to bringing in the Defence of India Bill before this House.

We have supported unanimously almost all the provisions of the Bill and I hope that with the passage of this Bill the Government, the executive, will use these powers with discretion, restraint and great circumspection. I am confident that with the support of the people, including the Communist Party which my hon. friend. Shri H. N. Mukerjee, represents here, after the conclusion of the emergency, India will emerge even a stronger democracy than it is today and will prove to the world that totalitarianism is an effete and a weak system compared to the parilamentary democratic system.

I would have been happy if the amendment I had suggested with regard to the detenu being served with the grounds for his detention and his being allowed to make representation, had been accepted. That would have provided a built-in safeguard against misuse of powers in that respect. As I said, I hope these powers will be used against the really anti-national elements, the enemies of the country, because we have to defend the country from enemies without and from within, and not misused against those persons who are promoting the national cause, who are defending the cause that the Government and the people have in common.

I find under the Ordinance, the Government have banned certain publications of the Chinese Embassy here. It was well done. It should have been done earlier. I am not for a witch-hunt in this country. But I have no doubt in my mind that in very many high places already there has been infiltration of elements who are not the best well-wishers of our country and who might play an ignoble, ignominous role, if —god forbid— the Chinese are not stopped and are not driven out from this country. As I said, I am not for a witch-hunt, but I was rather perturbed when I read in the papers the other day that a Minister of Government, who went to Moscow recently, was reported to have said—according to press reports— when asked about his views with regard to the Chinese aggression, I have my own views'. He should really have said 'My view is that of the Government of India.' This creates suspicion in the minds of the public that even within the Council of Ministers there is perhaps rightly or wrongly called a pro-China lobby. This should not happen. I hope the Government will be wide awake to this danger also.

As I said, the Government has banned certain publications. But here I have got a live instance. It is an Urdu poem which has been translated into English. The translation also is in circulation in this country. It has appeared in several communist party papers or the so-called pro-communist or fellow-traveller party organs. Even

[Shri Hari Vishnu Kamath]

today it is in circulation. It ought to have been banned. I do not know whether it has come to the notice of Government. I will just read parts of the poem in a minute, because the whole poem is a long one. It runs like this:

"The army of Mao Tse-tung as a blood red flood"—

that is the Chinese leader—

"Flows into it the blood of Malabar and Telengana

Flows into it the blood of Kashmir and Alamner"—

I do not know where Alamnar is.

An Hon. Member: It is Amalner.

Shri Hari Vishnu Kamath: Perhaps so. It is in Maharashtra.

"Who dare stop this on-rush now?

Who dare cry halt to it?

This blood shall continue spreading on from lands of China on to Malaya,

From Malaya on to Burma,

And from Burma further on to Hindustan

The surging waters will sweep on.."

The author is an Urdu poet.

Shri Sham Lal Saraf: Is it published in India?

Shri Hari Vishnu Kamath: It is by a poet called Ali Sardar Zafri, and it is translated into English by Shamshere Bahadur Singh and published in *India Today*, a magazine edited by P. C. Joshi, formerely General Secretary of the Communist Party.

Shri Lahri Singh (Rohtak): And the husband of a certain M.P.

Shri Hari Vishnu Kamath: The Government has not suppressed this poem. I do not know what the Government agencies have been doing in this regard. They have appressed certain other publications, but this, I am told, is still in circulation. This poem may have been translated into other languages also. If this is allowed to circulate, you can imagine what effect it will have on the minds of the people here. If this is allowed to circulate, if this is not suppressed by this evening, I will have no hesitating in charging the Government and saying that in the Government also there is a pro-China lobby which is dangerous to the country. I hope action will be taken under the Defence of India Rules against members of any party, whether it is the Communist Party or the Congress Party or even Ministers. There have been instances in other countries where a minister after he has resigned, and even while he was inside the government, has been arrested, if he is suspected of anti-national sentiments. I hope the Government is capable of that much courage in this emergency to arrest elements even among themselves if they are suspected to be dangerous to the safety of the country, and I for one pray that the Defence of India Act will not fail in its purpose. I hope the Government will wake up up betimes, lest worse befalls the nation.

Mr. Deputy-Speaker: Shri Ram Sewak Yadav. Only one Member from each party.

श्री रामसेवक यादव (बाराबंकी) : उपाध्यक्ष महोदय, जनतांत्रिक प्रणाली में विश्वास करने वाले किसी भी देश के लिये संविधान में मिले हुए मौलिक अधिकारों की बड़ी कीमत होती है । दरअस्ल जनतन्त्र की स्थापना के लिये जो लड़ाई लड़ी जाती है, उसका लक्ष्य मौलिक अधिकारों की प्राप्ति ही रहता है । इसलिये उन मौलिक अधिकारों का छिनना एक दुखद घटना हो सकता है ।

हमारे संविधान में इस तरह की व्यवस्था है क राष्ट्रपति के द्वारा संकट-कालीन स्थिति की घोषणा करके मौलिक अधिकारों को समाप्त किया जा सकता है, ताकि उस स्थिति का ज्यादा अच्छी तरह से मुकाबला किया जा सके । संविधान की उसी व्यवस्था के मातहत

मौजूदा विधेयक अन्तिम निर्णय के लिये सदन् के सामने प्रस्तुत है और थोड़े ही समय के बाद यह पास हो जायेगा । इस समय मैं केवल यही कहना चाहता हूं कि जब हम इन मौलिक अधिकारों का हनन करने जा रहे हैं और इतनी ज्यादा शक्ति और अख्तियार सरकार को देने जा रहे हैं, तो सरकार को भी अपने कर्तव्यों और उसको दिये जाने वाले अधिकारों के सम्बन्ध में सचेत रहना चाहिये ।

इस कानून के प्रयोग के बारे में विरोधी दलों की ओर से कुछ शंकायें प्रकट की गई हैं । अच्छा होता कि उनके निवारण के लिये उनके संशोधनों को गृह मन्त्री महोदय स्वीकार कर लेते । इसका कारण यह है कि आज जबकि हमारे देश की आजादी के लिये इतना बड़ा संकट पैदा हो गया है, सारे देश और इस सदन् ने उस संकट का मुकाबला करने के लिये सरकार का हाथ बंटाने और पूरा सहयोग देने का निर्णय किया है इस लिये इस बिल के अन्तर्गत दिये जा रहे अधिकारों के प्रयोग की अधिक आवश्यकता नहीं पड़ेगी । इस स्थिति में यदि उन संशोधनों को मान लिया जाता, तो देश में ज्यादा मजबूती होती और हमारी एकता को अधिक बल मिलता और इसके साथ ही इस बिल के प्रयोग के बारे में लोगों की शंकायें दूर हो जातीं ।

फिर भी, जो अधिकार यह सदन् सरकार को देने जा रहा है, सरकार उसके लायक है या नहीं, भविष्य ही इस बात का निर्णय देगा । ये अधिकार सरकार क्यों लेने जा रही है ? आज देश को चीनी हमले के संकट का मुकाबला करना है और जो हजारों वर्ग मील भूमि चीनियों के हाथ में चली गई है, उस को वापस लेना है । यदि इन अधिकारों को लेने और उन के प्रयोग का परिणाम यह होता है कि सरकार इस देश की जमीन को चीन से वापस लेने और चीन को अपनी भूमि से खदेड़ देने में सफल होती है, तो हम समझेंगे कि ये अधिकार सार्थक रहे और सरकार इस योग्य है कि उसको ये अधिकार दिये जायें ।

१५ अगस्त, १९४७ को जब हम स्वतन्त्र हुए, तो देश के दो टुकड़े हुए—हिन्दुस्तान और पाकिस्तान । उस समय हिन्दुस्तान की जो शक्ल थी और जितनी भूमि हम को अंग्रेजों से मिली थी, उसको हमने अखण्ड और स्वतन्त्र रखना है । उस उद्देश्य की प्राप्ति के लिये सारे देश के साधन और सारे देश की शक्ति सरकार के हाथ में है और हम सरकार से यह अपेक्षा करते हैं कि जिस तरह से भी हो सके, वह हमारी भूमि को चीनियों से वापस दिलाए । अगर इस उद्देश्य की प्राप्ति होती है, तो यह विधेयक सार्थक होता है और इसके द्वारा जो अधिकार सरकार को दिये जा रहे हैं, वे भी सार्थक होते हैं ।

इस समय देश की जो परिस्थिति है, उसके बारे में भी मैं कुछ कहना चाहूंगा । जब युद्ध चल रहा था, उस समय देश की जो स्थिति थी और युद्ध विराम के बाद देश की जो स्थिति हो गई है, उनमें जबर्दस्त फर्क है । युद्ध विराम से पहले ऐसा लगता था कि देश में एकता और बड़ा जोश है, लेकिन युद्ध-विराम के बाद सरकार ने जो रुख अख्तियार किया, उसने जो तरीका अपनाया, उससे देश में एक तरह की बेचैनी फैलती जा रही है । आज देश में फिर दुविधा की स्थिति पैदा हो गई है । सरकार की ओर से ७ नवम्बर १९५९ और ८ सितम्बर, १९६२ की स्थिति की चर्चा की जाती है और इस बारे में चीन से तालाप चलता है, पीकिंग को पत्र जाते हैं और उससे स्पष्टीकरण मांगा जाता है जबकि १९५९ और १९६२ की स्थितियों में मुश्किल से हजार, पांच सौ वर्ग मील का फर्क होगा—इस कारण देश में एक दुविधा का वातावरण पैदा हो गया है । आज जनता के मन में यह शंका पैदा हो गई है कि क्या सरकार चीन को अपनी भूमि से खदेड़ देने और अपनी भूमि को वापस लेने के लिये संघर्ष करना चाहती है या वह समझौता वार्ता के द्वारा

[श्री रामसेवक यादव]

कुछ लेन-देन के लिये तैयार हो गई है । मैं निवेदन करना चाहता हूं कि चीन के विरुद्ध हमें को जो कुछ भी असफलता मिली, उसके कई कारण हो सकते हैं, लेकिन सबसे बड़ा कारण यह था कि हमारे मन में, हमारी सरकार, अफसरों और पलटन के मन में, दुविधा थी और आज फिर सरकार ने अपनी नीति से सारे देश में दुविधा पैदा कर दी है । मैं समझता हूं कि इस दुविधा के रहते देश ठीक तरह से आक्रमण का मुकाबला नहीं कर सकता है । मैं चाहूंगा कि जितनी जल्दी हो सके, इस दुविधा की स्थिति को समाप्त करके इस देश को एक निश्चित दिशा दी जाये, ताकि देश तथा दुनिया को पता चल जाये कि भारत सरकार की क्या नियत है और वह क्या चाहती है ।

जब हम आजाद हुये थे, तो उसी समय से संकट की घड़ी हमारे सामने उपस्थित हो गई थी । देश का बंटवारा हुआ और करोड़ों की आबादी का आदान-प्रदान हुआ । हम को देश में कल-कारखाने खड़े करने थे, खेती को सुधारना था और लोगों का जीवन-स्तर ऊंचा उठाना था । इसके लिये हम को गांधी जी के रास्ते पर, सादगी और मितव्ययिता के रास्ते पर, चल कर देश को मजबूत बनाना था । लेकिन हमने सबक नहीं लिया और १९४७ से लेकर अब तक हम सोते रहे और एक नकली किले में मौज और अलमस्ती की जिन्दगी गुजारते रहे । यह धक्का शायद हम को जगाने में सफल हो, लेकिन सरकार की ओर से जो कार्यवाही हो रही है, उससे ऐसा लगता है कि अब भी हम जाग नहीं रहे हैं । हम देखते हैं कि मौजूदा संकट का मुकाबला करने के लिये देश में मितव्ययिता और एकता का वातावरण पैदा करने की ओर जो कदम उठाने चाहियें, भारत सरकार ने उन को नहीं उठाया है । उदाहरण के लिये आप राष्ट्रीय सुरक्षा परिषद् के संगठन को लीजिये । आवश्यकता इस बात की थी कि उसमें देश के सब वर्गों के ऐसे लोगों को लिया जाता, जो कि चीनी आक्रमण का मुकाबला करने के लिये देश को तैयार करते और उसको शक्तिशाली बनाने में सहायक होते । लेकिन हम देखते हैं कि उस परिषद् का संगठन ऐसे किया गया है, जैसे कि वह भारत सरकार का अपना परिवार का मामला हो ।

मैं निवेदन करना चाहता हूं कि अगर हम इसी नीति पर चलते रहेंगे, तो हम देश को ताकत नहीं दे सकेंगे । मैं कांग्रेस के सदस्यों से यह इस्तदुआ करूंगा और सरकार से यह इस्तदुआ करूंगा कि कम से कम अब भारत सरकार अपनी रूप रेखा को बदले और प्रधान मन्त्री अपनी नीति में परिवर्तन करें । अगर प्रधान मन्त्री ऐसा नहीं करते हैं, तो मैं कांग्रेस के माननीय सदस्यों को कहूंगा कि वे उन को बदल दें, क्योंकि देश सबसे बड़ा और महान् है और कोई भी व्यक्ति उससे महान् नहीं हो सकता है ।

Shri Tyagi: I am sorry I shall not be able to make any big speech, but I have been highly moved. In fact, the Opposition has put so much moral burden on the shoulders of the Government and this party that I cannot express my gratitude.

Shri Hari Vishnu Kamath: We have discharged our duty.

Shri Tyagi: Really speaking, the whole House has practically unanimously agreed to such drastic measures. It is a sight. After all, what is there? The most precious thing in politics is freedom. For the freedom of our country we have sacrificed all individual freedom, of all the citizens of India, and have vested this moral responsibility on the Home Minister. It is really a moving sight even those who opposed our policies from time to time, for years together, today they stand as one man behind the Government. We hope that this trust vested in the Government will not be in the

least betrayed. The man who misuses these powers will really be committing an act of treachery, because this is the confidence of the whole nation. Therefore I want to assure all my frineds on this side that with the best intentions Government will make use of these powers; in the first place they will make sparing use of these powers; these powers will not be liberally used for the purpose of depriving people of their freedom but they will be very sparingly used; and, secondly, there will be justification in each action they take with regard to this Bill.

Mr. Deputy-Speaker: You began by saying that you will not make a big speech.

Shri Tyagi: No, I will not.

Therefore, it must be absolutely judiciously done.

But there is one remark only which I would like to make at this stage. Before you took the chair we had casually discussed whether the President's order under this article could be discussed in this House.

Mr. Deputy-Speaker: The hon. Speaker has given a ruling on that.

Shri Tyagi: I want a further ruling in consideration of the discussions we have had. My freind Mr. Kamath and I had opposed this article in the Constitution when it was discussed in the Constituent Assembly. You were also there.

Mr. Deputy-Speaker: That was only a discussion, not a ruling.

Shri Tyagi: Dr. Ambedkar said that when there is a proclamation in such cases of emergency, that proclamation must be put before the House for discussion. In the original draft article there was no such provision. But Dr. Ambedkar, after seeing the spirit of the Constituent Assembly and the consensus of opinion of the whole Assembly, made this speech. He added those two clauses and he said in his speech . . .

Shri Datar: Sir, is it necessary?

Shri Tyagi: The first clause is:

> "Where a Proclamation of Emergency is in operation, the President may by order declare. . ."

Mr. Deputy-Speaker: After the Speaker has given a ruling I think it will not be proper to comment on his ruling.

Shri Hari Vishnu Kamath: He is trying to convey his point through you to the Speaker, so that the Speaker may tomorrow revise his ruling.

Shri Tyagi: I am not commenting. I only just want to put on record what Dr. Ambedkar had said with regard to this. He said then:

> "The House will realise that clauses (2) and (3) are additions to the old article".

Two clauses were added by him. Clause (2) was:

> "(2) An order made as aforesaid may extend to the whole or any part of the territory of India".

And clause (3) was:

> "(3) Every order made under clause (1) of this article shall as soon as may be after it is made be laid before each House of Parliament."

Explaining these two clauses which were added, Dr. Ambedkar said:

> "The House will realise that clauses (2) and (3) are additions to the old article. In the old article there was a provision that while a Proclamation of Emergency was in force the President may suspend the provisions for the rights contained in Part III throughout India. Now, it is held that, notwithstanding the fact that there may be emergency, it may be quite possible to keep the enforcement of the rights given by Part III in certain areas intact and

[Shri Tyagi.]

there need not be a universal suspension throughout India merely by reason of the Proclamation. Consequently, clause (2) has been introduced into the draft article to make that provision."

Sir, I must again thank Mr. Kamath for the pains he took to bring these amendments there.

And then he says: "Thirdly...

Mr. Deputy-Speaker: It is all over now. You are only doing a post-mortem examination.

Shri Tyagi: The salient thing is this.

'Thirdly, the original article did not contain...

Mr. Deputy-Speaker: It cannot be discussed now.

Shri Tyagi: I am not discussing. I only want to bring on record what he had said. I want to emphasize hat Parliament has the right to discuss this emergency.

Then he said:

"Thirdly, the original article did not contain any provision permitting Parliament to have a say in the matter of any order issued under clause (I). It was the desire of the House that the order of suspension should not be left absolutely unfettered in the hands of the President and consequently it is now provided that such an order should be placed before Parliament, no doubt with the consequential provision that Parliament will be free to take such action as it likes".

Shri Hari Vishnu Kamath: That is important.

Shri Tyagi: This was the original intention. I therefore suggest that the hon. Minister may take notice of this and commit before Parliament that the laying of this emergency ordinance on the Table of the House means that the House will have a say in the matter. This is so very clear in the Constitution.

With these words, I have only to make this appeal to the Government. Now all the powers have been given to the Government. The Leader of the Government carries the confidence of all the parties, of the whole of India. After having this power, if there is a lapse, only the Government shall be responsible. Therefore I appeal to them to realise how much confidence they have reposed—the whole of India. There can be no compromise on this matter. It is only for the sake of the freedom of the country that the people have unanimously agreed to forego their freedom, all types of freedom, even their property. This sacrifice is being made today by them with the definite objective of seeing that we regain the parts of our country, wherever the enemy has entered. They must be vacated. We must get them back, we must win them and take them. And not an inch of India shall go into the hands of the enemy. We shall not have any compromise on this. The people of India would rather like to die with their children from end to end. Let the whole population of India get extinct, but we shall not surrender, we shall not give our land to the enemy.

श्री लहरी सिंह : जनाब डिप्टी स्पीकर साहब, हिन्दुस्तान की तारीख में यह पहला मौका है कि पब्लिक और गवर्नमेंट एक हैं। आज मुल्क के सामने बहुत ज्यादा खतरा है और उस खतरे को देखते हुए मैं समझता हूं कि इस बिल को पास करना हमारे लिये बहुत जरूरी था। इसको पास किये बगैर हमारा काम चल ही नहीं सकता था।

लेकिन एक बात मैं गवर्नमेंट को वाजह कर देना चाहता हूं। जहां देहातों के अन्दर नौजवान बहुत भारी तादाद में फौज में भरती

होने के लिये आगे आ रहे हैं, जहां वे अपने आपको वालेंटीयर के तौर पर पेश कर कर रहे हैं, जहां देहात वाले काश्त बढ़ा रहे हैं, जहां वे पैदावार बढ़ा रहे हैं, वहां यह भी खदशा पाया जाता है कि कहीं कीमतें बढ़ न जायें, भाव बढ़ न जायें, ब्लैक मार्किटिंग शुरू न हो जाए । एसी हालत में मैं समझता हूं कि जिस किसी भी आदमी पर आपको किसी किस्म का भी शुबहा हो कि वह इस तरह का काम कर रहा है, फिर चाहे वह किसी भी पार्टी का आदमी क्यों न हो, कांग्रेस का हो, जनसंघ का हो, कम्युनिस्ट पार्टी का हो, उसे आपको गिरफ्तार कर लेना चाहिये । अगर आपको यह शुबहा हो कि वह मुल्क के साथ गद्दारी कर रहा है, तो उसको आपको फौरन गिरफ्तार कर लेना चाहिये । इसमें स्वतन्त्र पार्टी, कांग्रेस पार्टी, जनसंघ पार्टी या और किसी पार्टी का लिहाज नहीं किया जाना चाहिये ।

आज मुल्क की आजादी को खतरा है, आज हिन्दुस्तान की आजादी को खतरा है । आज हमें एक ऐसे दुश्मन का मुकाबला करना है जो कि बहुत जबर्दस्त है, बहुत ताकतवर है और उसके लिये जहां हमें अपने फण्टियर्ज को मजबूत करना है, वहा यह भी देखना है कि कहीं मुल्क के अन्दर कीमतें न बढ़ जायें, मुल्क में गड़बड़ी पैदा न हो जाए । साथ ही साथ जहां भी ब्लैक शीप हों, चाहे कांग्रेस में हों, या किसी दूसरी पार्टी में हों, उन पर किसी तरह का भी रहम नहीं किया जाना चाहिये ।

मैं समझता हूं कि यह कहना कि हम इस बिल को पास करके बड़ी सैक्रीफाइस कर रहे हैं, ठीक नहीं है । मैं नहीं समझता कि ऐसा करके हम कोई सैक्रीफाइस कर रहे हैं । इसमें कोई सैक्रीफाइस की बात नहीं है । आज तमाम मुल्क सरकार की मदद करना चाहता है, जो आज लीडर हैं, उनकी मदद करना चाहता है और जो लक्ष्य हमने अपने सामने रखा है, उसको हासिल करना चाहता है । इस काम के लिये आज हर आदमी अपनी धन दौलत देना चाहता है । हर एक अपने नौजवान लड़के को देना चाहता है, हर एक चाहता है कि मुल्क के अन्दर अमन हो । इसलिये गवर्नमेंट से मेरी दरख्वास्त है कि जिस तरह की गलती गवर्नमेंट ने पहले की और कहा कि हम समझे नहीं, इस तरह से अब नहीं होना चाहिये । हम को समझ लेना है कि हम को बाद में पछताना न पड़े । जहां पर भी शुबहा हो, जहां पर वजूहात हों, वहां इस ऐक्ट का पूरी तरह से इस्तैमाल होना चाहिये । यह न हो कि जहां पर कोई अपना आदमी सम्बन्धित हो वहां इसको स्पेअरिंगली इस्तैमाल किया जाये । जिस पर भी शुबहा हो, चाहे बार्डर पर हो या कहीं और, किसी को भी जेल में कम्बल ओढ़ा कर बिठला देना कोई बहुत बड़ी चीज नहीं है । अगर कहीं पर ट्रेडर्स हैं जो कि १० या २० हजार रुपये लेकर, पार्टियों के या मोहरें लेकर आप के सामने आयें, उनसे भी आप को खबरदार रहने की जरूरत है । असल बात यह है कि जहां पर भी प्राइसेस बढ़ेंगी मुल्क में बदअमनी हो जायेगी खास कर देहात में । कोई भी आदमी यह न कह सके कि इन कांग्रेस वालों को कोई चन्दा दे दो, उनको खुश कर लो फिर चाहे जो करो । यहां पर ऐसी हुकूमत होनी चाहिये जैसी कि औरंगजेब की थी जो कि सख्ती से काम करे फिर कोई भी जमात हो, कोई भी पार्टी हो, जो उसके सामने आये । अगर इस वक्त मौका आपने ढीला छोड़ दिया तो फिर बाद में पछताना पड़ेगा ।

बार्डर्स से शिकायतें आ रही हैं कि असम में कुछ आदमी गड़बड़ी कर रहे हैं, यू० पी० के बार्डर्स से शिकायतें आ रही हैं कि वहां भी लोग गड़बड़ी कर रहे हैं । मैं अर्ज करूंगा कि आखिर इस ऐक्ट को अमल में लाने का मौका कब आयेगा ? अब ज्यादा सोचने और समझने का वक्त नहीं है चाहे इसकी पार्टी का ताल्लुक हो या उस की पार्टी का ताल्लुक हो । हमारे मुकर्जी साहब कुछ कहें, अगर मुल्क के लिये शुबहा हो किसी पार्टी के ऊपर तो चन्द

[श्री लहरी सिंह]

दिनों के लिये वह लोग कम्बल ओढ़ कर बैठ जायें तो कोई हर्ज नहीं है । यह ज्यादा बेहतर होगा बजाय इसके कि हम बाद में अफसोस करें । हमारी पार्टी की तरफ से और देहात की तरफ से पूरी उम्मीद आपको रखना चाहिये लेकिन साथ ही हमें उम्मीद है कि सरकार भी जरा सख्ती से काम लेगी और ढीले ढाले तरह से वह नहीं चलेगी ।

Shrimati Yashoda Reddy (Kurnool): Mr. Deputy-Speaker, it is gratifying that the whole House has unanimouly given support to this Bill. As Shri Tyagi has said Government has a great responsibility. But I do not entirely agree with him; every one of us has also a great responsibility, whether we belong to this party or that party or this community or that community, just as we gave our full support to this measure irrespective of the party affiliations so also there is responsibility.

I was very much moved by my hon friend of the Communist Party. I bow down to his eloquence and to his sincerity. But, I do not want to mention the name of a Member; but just now I heard one communist Member saying that India is mortgaging all her liberty just because China has occupied few acres of India. Such rumours and such things show really what such people are. So I get doubts. It is not so much a personal opinion or conviction as it is their effect. Are they not misleading things? It is not their words here that show the real thing. Yesterday Shri Govindan Nair made ab rilliant speech. No steps would be taken if they keep up to it fully and if they say that they will cut themselves from international communism and be independent. I will be very happy if they can do that. I am sure that ninety per cent of the communists are Indians first and communists only later and they will prove so.

The leader of the Swatantra Party now supported this measure as it was a unanimous support. He said before, that the Opposition did not have confidence in Panditji or something like that. I object to such things. You give the unanimous support. Then why go about saying things?

Mr. Deputy-Speaker: The hon. Member's time is up.

Shrimati Yashoda Reddy: I appeal to the Minister: when he exercises his responsibilities, let him not see whether a person is Congressman or Communist or PSP. If a person is a profiteerer, be he on this side or that side, he should not hesitate to exercise his powers. But he should not overuse his powers. Irrespective of the caste, religion, creed or Party, we give our support to Government, Until the Chinese are evicted from our land.

Mr. Deputy-Speaker: Shri Kashi Ram Gupta. I will allow time till 3 O'clock and then I will call the hon. Minister. Hon. Members may take just two or three minutes each so that as many as possible can speak.

श्री काशी राम गुप्त (अलवर) : उपाध्यक्ष महोदय, कुछ देर के बाद यह बिल ऐक्ट की शक्ल लेने जा रहा है । बहुत से महानुभाव इस पर बोल भी चुके हैं । इसमें मूल बात यह है कि इस ऐक्ट के पास होने के बाद उस पर अमल करने की जिम्मेदारी किस पर कितनी है और गवर्नमेंट इस पर अमल कितना करती है । जहां तक सरकार का सम्बन्ध है उसकी शासन व्यवस्था में जो लोग काम कर रहे हैं वे हमारे सामने हैं, लेकिन उन पर जो जिम्मेदारी आकर पड़ी है, जिसके सम्बन्ध में यह डिफेंस आफ इंडिया ऐक्ट बन रहा है, स्वतन्त्र भारत में वे उसको किस तरह से निभायेंगे यह तो भविष्य ही बतलायेगा । पुरानी अंग्रेज सरकार का भी अपना इतिहास है । उसकी शासन व्यवस्था में जो लोग बैठे हुए थे, उन में से बहुत से आज भी मौजूद हैं । किन्तु इन बदली हुई परिस्थितियों में वे अपना

काम ठीक से कर सकेंगे ऐसी आशा उनसे की जाती है ।

इसके साथ ही हम लोक सभा के सदस्यों को भी यह देखना पड़ेगा कि उन के क्षेत्र में इस ऐक्ट पर किस तरह से अमल होता है । आज एक अजीब समस्या पैदा हो गई है कि हम कहते तो जरुर हैं कि चाहे कम्युनिस्ट हो, चाहे कांग्रेसी हो या चाहे जनसंघ का हो, सरकार हर एक को पकड़े । लेकिन जब भी किसी का अपना आदमी पकड़ा जाता है तो सब उसकी मदद करने की कोशिश करते हैं । सब लोग सोचते हैं कि कहीं उसके आदमी पर हर्फ न आये । गांवों के अन्दर भी आज ऐसा होने लगा है कि लोग जाकर शिकायत कर देते हैं कि फलां आदमी ऐसा करता है, पुलिस उसको क्यों नहीं पकड़ती है । इसलिये यह समस्या बड़ी जटिल है । इस को देखने के लिये जरुरी हो जाता है कि जो हम में से ऐसा सोचते हैं कि हम को खबरदार रहना है वह जाकर अन्दरुनी तौर से हर बात की जांच करें । उसके बाद चाहे प्यारे से प्यारा आदमी ही क्यों न हो, अगर उसमें थोड़ी सी भी कमजोरी हो तो उसे पूरी और सख्त से सख्त सजा देने के लिये कदम उठाये जाने चाहियें ।

इसके अमल के बारे में मुझे इतना ही कहना है । भविष्य में हम लोग अपने कर्तव्य का पालन करें तब हम इसको सफलतापूर्वक चला सकेंगे ।

14.45 hrs.

ARREST OF MEMBER

Mr. Deputy-Speaker: I have to inform the House that I have received the following communication, dated the 28th November, 1962, from the Superintendent of Police, South District, New Delhi:—

"I have the honour to inform you that in execution of an order of detention issued by Madras Government, Shri K. Ananda Nambiar, Member, Lok Sabha, has been arrested today at 6.45 A.M. from his residence at Windsor Place, New Delhi. He has been kept in the police lock-up at Police Station, Reading Road. He will be sent to Madras."

14.48 hrs.

DEFENCE OF INDIA BILL—*contd.*

Shri Sham Lal Saraf: Sir, I am very happy to find that the Government has been able to accommodate to the extent possible the views of all hon. Members while replacing by this Bill the Ordinance passed by the President.

Some fears have been expressed in regard to the implementation of the clauses of this Bill. My friends have conveniently forgotten that this is not the time when the Britishers are ruling us. This is people's Government, our own Government and this is a time when all of us from all the parties have offered our co-operation to fight an aggressor and stand as one man behind this Government, and implement our plans whether in the fields or factories or offices or anywhere else.

I have some important things to say and so please allow me some more minutes. For instance, I may tell the hon. Minister that only this morning two eminent Generals of two of the greatest democracies of the world have spoken in very high terms about our jawans and fighters in Assam. The point arises: why has it happened that the enemies could come down sweepingly for more than a hundred of miles in the shortest time possible? My submission is certain things are already coming in the press. Other things are also coming up. I have also been able to gather from other sources certain things. I may tell the hon. Minister that our intelligence is weak; it should be immediately reinforced and certain things have to be

[Shri Sham Lal Saraf]

done or found out especially in the NEFA area and also in Ladakh. The other day, I asked a pointed supplementary question; I put it to the hon. Minister of Home Affairs, Shri Lal Bahadur Shastri, about Ladakh. My inforamtion is that there have been people who have been saying all round—they are in NEFA—"we have seen the British Government, we have seen the Congress Government; let us see the Chinese Government also." I have authoritatively heard this information. I am told that every bit of land was photographed; every culvert, river, bridge and lake, has been photographed, and that there are men who have been proclaiming a number of things in every respect. Therefore, I may tell you, if anybody has not stood by our jawans, it is we, our civil authorities, our civilian machinery, more particularly, our intelligence departments. Our intelligence should not stop there, only within our own borders, but it should go across and see what is happening on the other side. Our intelligence department should work in such a way that this second and the most important line of defence helps the jawans who are fightnig on the front. We have to pay very great attention to this aspect of the matter.

Mr. Deputy-Speaker: He should close now.

Shri Sham Lal Saraf: I shall finish in one minute. My hon. friend Shri Gupta also expressed a fear in the implementation of some of the clauses that touch the citizens of the country more closely. I do not know how such fears arise. Certainly, occasions may arise when, in consultation with the local leadership and local opinion of the area concerned, of the State concerned, of that district concerned, certain things can be done. My submission, therefore, is, as has been voiced by some hon. freinds of my party and some other hon. friends of the Opposition also, while implementing some of the important clauses of this Bill it should be seen that the officers and the authorities try to get the support of the people and take them into confidence. I wholeheartedly support the Bill and assure the Government that everyone is behind the Government on this matter.

श्री शिव नारायण (बांसी) : माननीय उपाध्यक्ष महोदय, भारत के इतिहास में यह पहला नमूना है कि भारत की सारी जनता आज इतनी एक दिखायी देती है । मैं त्यागी जी से कहना चाहता हूं कि चाहे वे जिम्मेदारी न लें, लेकिन आज देश का बच्चा बच्चा इस गवर्नमेंट के और नेहरु जी के पीछे है । मैं अपने चुनाव क्षेत्र से आ रहा हूं और मैं इत्मीनान से कह सकता हूं कि हमारी कांस्टीट्यूएंसी में और हमारे जिले में और देश के कोने कोने से आवाजें आ रही हैं कि हम सब एक हैं और अपना तन, मन और धन सब कुछ देने को तैयार है अपनी मातृभूमि की रक्षा के लिये । हमारे अफसरान भी ईमानदारी से काम कर रहे हैं । मुझे उन पर पूरा विश्वास है । ये अपनी जिम्मेदारी को समझ कर काम कर रहे हैं । आज हर कोई कह रहा है कि भारत हमारा है और हम अपनी मातृ-भूमि के लिये मर मिटने को तैयार हैं ।

इस समय इस प्रकार के बिल की अत्यन्त आवश्यकता है देश के कल्याण के लिये । इस समय चाहे कोई भी हो, चाहे वह भाई हो या भतीजा हो, अगर वह गलती करता है तो उसको फांसी के तख्ते पर चढा देना चाहिये । १४ बरस तक हमने बहुत रियायत की । लेकिन अब रियायत नहीं होनी चाहिये । मेरी सरकार से प्रार्थना है कि आज उसको स्ट्रिक्ट होना चाहिये, शासन में रियायत नहीं होनी चाहिये । राजा और जोगी किसी किसी का मित्र नहीं होता वह चाहे भाई हो या भतीजा हो । इसलिये मैं इस बिल का समर्थन करता हूं । हमारे संविधान ने ऐसी अवस्था में संविधान की रक्षा करने के लिये राष्ट्रपति को अधिकार दिया है और सरकार

को इस प्रकार का बिल लाने का अधिकार दिया है । हिन्दुस्तान में और दुनिया में डिमाक्रेसी के सरवाइबल के लिये इस प्रकार के बिल की आवश्यकता है । आज नेफा में और लद्दाख में जो गड़बड़ियां हो रही हैं उनको मैं ओपिन नहीं करना चाहता, लेकिन मैं होम मिनिस्टर साहब से कहूंगा कि उनको रोकना हमारी ड्यूटी है । जो कुछ शर्राफ साहब ने कहा है उसका मैं समर्थन करता हूं और चाहता हूं कि उन बातों पर सरकार देश की रक्षा के लिये ध्यान दे ।

इन चन्द शब्दों के साथ मैं इस बिल का समर्थन करता हूं ।

श्री प्रकाशवीर शास्त्री (बिजनौर) : उपाध्यक्ष महोदय, यह बिल जिन भावनाओं के साथ और जिन गम्भीर स्थितियों में स्वीकृत हो रहा है, उसको देखते हुए मैंने परसों कहा था कि सरकार इसका भी उसी गम्भीरता और पवित्रता से उपयोग करेगी इसका हमें विश्वास है ।

अभी हमारे माननीय मित्र श्री हीरेन मुकर्जी ने जो एक गम्भीर और भावपूर्ण भाषण दिया अपनी पार्टी की स्थिति के सम्बन्ध में, उसको सुनने के पश्चात् मैं माननीय गृह मन्त्री जी से एक आवश्यक निवेदन करना चाहता हूं । जब से उनकी गिरफ्तारियां होनी शुरू हुई हैं, तब से उनकी भाषा और भावों में परिवर्तन आना प्रारम्भ हो गया है और उनके कथन के ढंग में भी कुछ परिवर्तन आया है । लेकिन साथ ही साथ जहां एक ओर उनकी पार्टी के सदस्यों की गिरफ्तारी की स्थिति हमारे सामने है, वहां दूसरी ओर यह स्थिति भी हमारे सामने है कि हमारे अनेकों भाई इस युद्ध में मारे गए और अनेकों बहिनें युद्ध के कारण बिधवा हुई हैं, अनेकों व्यक्ति अपने घरों से बेघर हो गए हैं अथवा आज घायल होकर अस्पतालों में पड़े हुए हैं । उनकी स्थिति हमको कौन सा पग उठाने को विवश कर रही है ? और उस से भी अधिक बड़ी बात यह है कि इस महान् देश के गौरव की हानि हुई है और उसके इतिहास में एक ऐसा अध्याय जुड़ा है कि जो पिछली अनेकों शताब्दियों से नहीं लगा था । इसलिये हमको इस स्थिति का सामना करने के लिये यदि कोई निर्णय लेना आवश्यक हो तो हमें उस निर्णय को लेना चाहिये और वैसा करने में हिचकिचाना नहीं चाहिये ।

दूसरी बात मैं आपके ध्यान में यह लाना चाहता हूं कि सीमावर्ती क्षेत्रों के साथ साथ देश की राजधानी दिल्ली में किस प्रकार की घटनाएं घट रही हैं । उनकी ओर आपको ध्यान देना आवश्यक है । आपने दिल्ली के महत्व पूर्ण समाचार पत्रों में पढ़ा होगा कि दरबार हाल दिल्ली में नागरिक सुरक्षा की बैठक हो रही थी और उसमें कोई कम्युनिस्ट उपस्थित नहीं था । लेकिन उसका समाचार उस मीटिंग के कुछ ही देर बाद पीकिंग रेडियो से ब्राडकास्ट हुआ । इस पर कांग्रेस दल के एक प्रमुख नेता ने कहा कि हम को आश्चर्य है कि हमारे अन्दर कौन ऐसा व्यक्ति था जिसने इस समाचार को मीटिंग के पश्चात् बाहर दिया ।

और भी एक आवश्यक बात मैं आपसे कहना चाहता हूं । कल परसों दिल्ली क्लाथ मिल के समीप एक बम विस्फोट हुआ था । उसके एक दम पश्चात् तीन व्यक्ति उस स्थान के पास पाए गए । मैं उनका नाम नहीं लूंगा, इसका पता आप अपने इंटेलीजेंस से लगायें । उनमें एक संसद् सदस्या थीं, उनके पति थे और तीसरे व्यक्ति नगर निगम की कम्युनिस्ट पार्टी के नेता थे । ये तीन व्यक्ति उस घटना के ठीक बाद किस प्रकार वहां मौजूद थे ? इन तमाम स्थितियों के पीछे क्या वातावरण चल रहा है इसका सरकार को पता लगाना चाहिये । लोगों ने बताया कि ये व्यक्ति उस घटना के पांच सात मिनट बाद ही वहां पर मौजूद थे ।

[श्री प्रकाशवीर शास्त्री]

इससे भी एक और आवश्यक चीज में आपके सामने निवेदन करना चाहता हूं। यह इसी मिल के सम्बन्ध में है। इस मिल के कर्मचारियों ने यह तै किया था कि छुट्टी में एक दिन एक्स्ट्रा काम करके अपना वेतन रक्षा कोष में देंगे, यह वेतन एक लाख १८ हजार रुपया होता था। उन्होंने वैसा किया, लेकिन उसके पश्चात् गंगा स्नान के दिन उसी मिल के देशभक्त कर्मचारियों ने फिर वैसा करना चाहा, लेकिन उस मिल के कर्मचारियों की यूनियन के प्रेसीडेंट ने इस बात का यत्न किया कि वे ऐसा न करें। उनका नाम मैं नहीं बतलाना चाहता, आप अपने इंटेलीजेंस से मालूम कर सकते हैं। उन्होंने कुछ लोगों से न आने को कहा और कुछ नहीं आए जिसका परिणाम यह हुआ कि वे लोग केवल ८७ हजार रुपया ही दुबारा दे पाए, पहले के बराबर एक लाख १८ हजार नहीं दे पाए।

इससे भी एक बड़ी बात मैं कहना चाहता हूं जो कि कल परसों मेरी जानकारी में आयी है। द्वितीय महायुद्ध के दौरान अंग्रेज लोगों ने अपना एक नारा लगाया था और वे जब आपस में मिलते थे तो दो उंगलियों को उठा कर आपस में अभिवादन करते थे जिससे अक्षर "वी" का आकार बन जाता था। उनका अर्थ होता था की फार विक्टरी। अब जो चीन के राष्ट्रपति माओ-से-तुंग हैं उनका कहना है कि चीन एक हथेली के समान है और इसमें जब एशिया के कई राष्ट्रों की अंगुलियां लग जाएंगी तो यह पूरा पंजा बनेगा। इसी योजना के अनुसार अब हमारे कम्युनिस्ट हाथ जोड़ कर नमस्ते नहीं करते बल्कि हाथ की अंगुलियां फैला कर पंजा दिखा कर एक दूसरे का अभिवादन करते हैं। यह प्रवृत्ति आज देश में चल रही है। मैं समझता हूं कि आपके गुप्तचर विभाग को इन तमाम बातों पर ध्यान देना चाहिये।

रही किसी पार्टी के सदस्यों की गिरफ्तारी की बात, तो उसके सम्बन्ध में मुखर्जी साहब अभी रामायण का उद्धरण दे रहे थे। अगर वह यहां होते तो मैं उनसे कहता कि नीति शास्त्र में लिखा है :

त्यजेदेकं कुलस्यार्थे, ग्रामस्यार्थे कुलं त्यजेत्।
ग्रामं जनपदस्यार्थे, आत्मार्थे पृथिवीं त्यजेत्॥

अगर एक को छोड़ने से कुल की रक्षा होती हो तो उस एक को छोड़ देना चाहिए, और अगर कुल का नाश करने से ग्राम की रक्षा होती हो तो उसको छोड़ देना चाहिये। तो इसी प्रकार अगर किसी पार्टी के कुछ मदस्यों पर प्रतिबन्ध लगाने से देश की रक्षा होती हो तो वह आवश्यक कदम हमें उठाना हो चाहिये।

श्रीमती लक्ष्मी बाई (विकाराबाद) : उपाध्यक्ष महोदय मुझे कहनी तो बहुत सी चीजें थीं पर समय कम है। अभी जो शास्त्री जी बोले उससे मैं सहमत हूं। मेरी १५ साल की उम्र से इन चीजों की जानकारी रही है, जबकि साइमन कमीशन आया था। मुझे मालूम है कि तेलंगाना में कम्युनिस्टों ने क्या किया था। आप देखेंगे कि अब इनके बड़े बड़े लोग अण्डरग्राउण्ड चले जायेंगे और अपना काम करते रहेंगे। ये लोग बड़ी बड़ी स्पीचेज नहीं करते। ये लोग पहाड़ों में रहेंगे और वहां से गांव वालोंके पास आकर अपनी बात कहेंगे। ये लोग गांवों के बच्चों को अपने पास बुलाते हैं और उनको मिठाई आदि देते हैं और गांवों की औरतों से मिलते हैं और उन को अपने गीत सिखाते हैं और उनको कागज आदि देते हैं और कहते हैं कि इसको सन्दूक में रखना और अपने बच्चों को पढ़ाना।

इतना ही नहीं करते बल्कि रातों को गांवों के उन गरीब लोगों के पास जाते हैं जो बाहर सोते हैं और उनसे घुस घुस करते हैं। आज हर जगह में इस तरह के चोर बैठे हैं।

अभी मेरे भाई मुखर्जी साहब ने अपना भाषण दिया। मुझे उनसे बड़ी श्रद्धा है।

लेकिन मेरी समझ में नहीं आता कि वे दलते क्यों नहीं । क्यों नहीं वह ऐलान करते कि हम अब कम्युनिस्ट नहीं हैं और कम्युनिस्टों की मदद नहीं करेंगे । आज भी वह कम्युनिस्ट दल से बाहर क्यों नहीं आ जाते । जब मेरी उम्र १५ साल की थी तब देश में साइमन कमीशन आया था और उस दिन से आज तक की मैं हिन्दुस्तान की तमाम हिस्ट्री को जानती हूं कि क्या क्या वाक़यात देश में इस बीच में गजरे हैं । देश में जब नमक सत्याग्रह सम्बन्धी आन्दोलन चला तो उस जमाने में हमारे द्वारा खादी पहनने पर मनाही थी और जब हम समुद्र के किनारे नमक सत्याग्रह आन्दोलन में भाग लेते थे और तीन, तीन दिन समुद्र के पास हम लोग धरना देते थे तो हम को उस समय के अंग्रेज शासक पीटते थे । बगैर पानी के हम लोग रहते थे क्योंकि समुद्र के पास पीने को पानी कहां मिलता है ? इसलिये हम लोगों ने सब जमाना देखा हुआ है ।

15 hrs.

आज देश पर चीनी आक्रमण के फलस्वरूप राष्ट्रीय संकट की स्थिति उत्पन्न हो गयी है और आज राष्ट्रीय एकता और भारतवासियों की देश के प्रति पूरी वफादारी रहने की बहुत जरूरत है । आज हमारे देश की पूरे संसार में इज्जत है और हमारा फर्ज हो जाता है कि हम उसे बनाये रक्खें । आज हर एक भारतवासी का फर्ज हो जाता है कि वह अपने बारे में सोचने के बजाये देशहित के बारे में सोचे और उसके हेतु कार्य करे ।

मैं अपने कम्युनिस्ट भाइयों से कहना चाहूंगी कि वे भी समय की पुकार को पहचानें और अपनी राष्ट्र विरोधी हरकतों से बाज आयें । कम्युनिस्टों के बारे में मुझे मालूम है कि दिल में उनके खराबी होती है और बोलने में मिठास होती है और इस कारण वे भोले भाले देशवासियों को गलत रास्ते पर ले जाने में कभी कभी कामयाब हो जाते हैं । तेलंगाना के कम्युनिस्ट मूवमेंट में मैंने देखा कि यह लोग गांव, गांव घूमते हैं, पहाड़ों में घुसेंगे और मैले कपड़े पहन कर हाथ में चना वगैरह लेकर बच्चों को इकट्ठा कर लेते हैं और गांवों में अपने छोटे छोटे गानों द्वारा, बड़े बड़े गीत वे नहीं गाते, वह तो गांव की बोली में जनपद की भाषा में छोटे छोटे गीत गा गा कर बच्चों, औरतों और बूढ़ों में कम्युनिज्म का प्रचार करते हैं और उन को बरगलाते हैं । यह कहावत मशहूर ही है कि घर का भेदी लंका ढाये । हमको जितना बाहर के शत्रुओं से डर नहीं है उतना इन घर के अन्दर छिपे हुए दुश्मनों से डर है । यह लोग सांप के समान खतरनाक हैं और सांप को मारने के लिये लाठी उठाओ तो जैसे सांप पैरों के बीच से रेंग कर बच निकलता है ऐसे ही यह कम्युनिस्ट लोग बचते रहते हैं और जहरीला प्रचार करते रहते हैं । इनका पकड़ना और जेल में बन्द करना भी आसान काम नहीं है । लेकिन एडमिनिस्ट्रेशन को इस बारे में किसी तरह की गफलत नहीं करनी चाहिये और जहां भी यह लोग देश के हित के ख़िलाफ़ काम करें इन्हें सख्ती से दबायें और पकड़ कर जेल में बन्द कर दें ।

मैं आपको बतलाना चाहती हूं कि इन कम्युनिस्टों के बच्चे भी इस आर्ट में ट्रेंड होते हैं और दूसरे बच्चों में कम्युनिज्म का प्रचार करने का काम उनके बच्चे भी करते हैं । इसी तरह कम्युनिस्टों की बीवियां भी कम्युनिस्ट वर्कर्स होती हैं और वे गांव गांव में जाकर दूसरी लेडीज़ को कम्युनिज्म सिखाती हैं और उनमें लिटरेचर वगैरह बांटती हैं और उनको इस तरह से बहकाती हैं कम्युनिस्टों की बीवियां स्ट्रीट सैलर आदि भिन्न भिन्न देशों में गांवों में जाकर प्रचार करती हैं । इसलिये जरूरत इस बात है कि प्रशासन किसी तरह की इस बारे में सुस्ती और ढिलाई न दिखाये और सख्ती से ऐसे देशद्रोही तत्वों का दमन करे और उन्हें कड़ी सजा दिलाये ।

मैं श्री त्यागी के इस कथन से पूरी तरह सहमत हूं कि यह प्रतिरक्षा विधेयक सख्ती से अमल में लाया जाये और जो इसमें

[श्रीमती लक्ष्मा बाई]

कहीं कहीं पर ढीलापन है उसे दूर कर इसे एक ताकतवर ऐक्ट बनाया जाय । राष्ट्र विरोधी हरकत करने वालों के प्रति जिम्मेदार अधिकारियों को किसी तरह की कोई रिआयत नहीं दिखलानी चाहिये । अगर किसी का बेटा कम्युनिस्ट हो तो उसके बाप को उसको सजा दिलवाने में हिचकना नहीं चाहिए अगर वह देश के अहित का कार्य कर रहा हो । तेलंगाना में मैं जानती हूं कि बाप यदि कांग्रेस में है तो उसका बेटा कम्युनिस्ट है, लड़को कम्युनिस्ट है तो ससुर कांग्रेस में है । मेरा कहना है कि कर्तव्य पालन की राह में रिश्ते वगैरह का बिल्कुल मोह नहीं करना चाहिए । ऐडमिनिस्ट्रेशन को इस बारे में जरा भी सुस्ती से काम न लेकर पूरी तरह देखभाल करनी चाहिये और जो लोग चाहे वे कोई भी हों इस तरह का जहरीला प्रचार करने और आपत्तिजनक पर्चे वगैरह बांटते पकड़े जायं उनको सख्त से सख्त सजा दे । सरकार को इस बात का विशेष तौर पर सावधानी रखनी होगी कि गांव के भोले निवासियों पर इन लोगों के जहरीले और गलत प्रचार का असर न पड़ने पाये और यह उनमें वर्क न करने पायें ।

चूंकि मेरा समय समाप्त हो गया है इस लिये और अधिक न कहते हुए मैं इस डिफेंस आफ इण्डिया बिल का समर्थन करती हूं और आपको धन्यवाद देती हूं कि आपने मुझे इस पर बोलने के लिये कुछ समय दिया ।

Shri Datar: Sir, I am obliged to all sections of this hon. House for the spirit of unanimity with which this Bill is going to be passed into law. I am aware that on the one hand the provisions of this Bill will have to be of a sweeping nature taking into account the conditions introduced by declaration of emergency and on the other hand, I also understand the desire of a number of hon. Members that the provisions, tight as they are, could be relaxed to a certain extent, consistant with the safety and good government of the country. It was for this reason that the Government considered it advisable to discuss this matter informally with a number of hon. Members from this and the other House. That was why we have brought forward a number of amendments which have been already accepted by this House.

My hon. friend rightly suggested that this was a solemn occasion in the history of the nation. After the achievement of independence, it was an irony of fate that within 15 years, we have to work for the defence of the country, Therefore, all of us at all levels have to gird up our loins. So far as the defence of the country is concerned, that is being looked after by the Ministry of Defence to the fullest and most effective extent. Side by side, the civil administration also has to gird up its loins and that is why we have brought forward this Bill, with a number of provisions which are of a sweeping character. There are certain provisions which are of a deterrent nature and certain others which are of a preventive nature. There are also provisions incorporated in this Bill which require a number of constructive actions to be taken by the Government for the purpose of the defence of the country and the furtherance of the war effort.

I would assure all the hon. Members of this House that the Central Government and the various State Governments will try their best to see to it that the provisions of this Bill, when it becomes an Act, are properly and effectively administered. As an hon. Member on the other side pointed out, the Government will have to be firm. May I add, in certain cases, especially against anti-national or subversive elements, Government will have to take stern action. I am not going to give any promise that Government will not take strong action where it is necessary. Consistent with the need of the country and the requirements

of the emergency, Government will utilise the powers at all levels as fairly as possible and as humanly as possible. Beyond this, it is not possible to give any further assurance.

I would point out that we are now in a different set of conditions. We had had two great wars in our lifetime, but during those two wars, we were under foreign domination. Here the question of the life and death of the country, namely, the defence of our independence, has to be taken into account. May I add on behalf of the large class of officers and the administrators whose privilege it would be to administer the provisions of this law that they are patriots first; they are competent people and they would see to it that the provisions of this law would be administered wherever necessary as sternly as possible, but in all cases as judiciously as possible. This is the assurance that I am prepared to give.

Government have already armed themselves with a number of powers to see that the officers at various levels carry on their work as efficiently and sternly as possible. That is why Government have taken upon themselves the numerous powers that this law gives to them. It is not merely the Government machinery but the common will of the people, the fullest cooperation from all sections of the population that is absolutely essential for driving out the enemy and winning back what we have lost and for maintaining the morale of the country in as large and effective a manner as possible. This Act has been necessitated by the declaration of emergency and Government will have to take a series of steps—not one or two—for the purpose of implementing the provisions of this Act, which are meant to meet the emergency.

My hon. friend rightly referred to Sita's instance. I was reminded of the great loyalty that Sita had. Sita, as you are aware, is the highest instance of loyalty to the husband. He has stated that they are all loyal to the country, to *Bharata Mata* in the same way as Sita was loyal to her lord, Lord Ramachandra. That is exactly what I am expecting. Every one of us, every Indian will have to show unquestioned loyalty. There can be no question so far as that is concerned. Therefore, I am confident that all sections of the Indian population will show the fullest measure of loyalty as Sita, it must be said to her credit, showed her loyalty to her husband. I am confident that in this hour of trial, in this emergency, all of us will be as one, whatever might be the parties, whatever might be other alignments. Here all of us are one against the enemy. Therefore, let us try to see to it that we act in as strong a manner as possible.

I could assure certain hon. Members who expressed misgivings here and there, that Government will not tolerate any subversive act, any anti-national act, even any dubious act, and Government will take the fullest measure under the Act, because this House is going to vote its complete confidence in the nation. This is the greatest instance where the Government and the people are one, and I express my gratitude to all the hon Members of this House for the unanimity with which they propose to pass this Bill into law. On behalf of the Government I would give the fullest assurance that the provisions of this Act would be used in as firm a manner as possible while using it in as judicious a manner as possible.

Shri Shivaji Rao S. Deshmukh: Do not accept Sita without *agnipareeksha*.

Mr. Deputy-Speaker: Order, order. I shall put the motion to the vote of the House. The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

15.13 hrs.

STATE-ASSOCIATED BANKS (MISCELLANEOUS PROVISIONS) BILL

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): Sir, I beg to move:

> "That the Bill further to amend the State Bank of India Act, 1955, the State Bank of India (Subsidiary Banks) Act, 1959, and the Bankers' Books Evidence Act, 1891, and to provide for the winding up of certain minor State-associated banks and for matters connected therewith, be taken into consideration."

Sir, an as anti-climax to the debate that was going on, this is rather a simple matter and almost non-controversial. The Bill has been brought forward for the purpose of introducing, in the enactments relating to the State-associated banks, certain amendments which are considered necessary or desirable in the light of actual experience.

Firstly, the House will recollect that the Central and State Governments came to be associated, largely as a result of the integration of the States, with a number of commercial banks. When the All-India Rural Credit Survey Committee submitted its report in 1954, there were nine such medium-sized banks, excluding the Bank of Baroda (with which the then Bombay Government was not really intimately associated) and twenty-six other minor institutions with deposits varying from a few lakhs to one or two crores of rupees. The medium-sized institutions, with the exception of the Bank of Rajasthan which chose to retain its independent status as a unit in the private sector, were reconstituted as statutory subsidiaries of the State Bank of India between October, 1959 and May, 1960 in pursuance of the provisions of the State Bank of India (Subsidiary Banks) Act. Of the twenty-six minor State-associated banks, two have been allowed to continue as independent units, thirteen have ceased to carry on banking business or have been refused licences under the Banking Companies Act, and nine have been or are likely to be merged with the State Bank of India or its subsidiaries. Final decisions have thus been taken in regard to 24 out of the 26 minor units, leaving only two small banks, which have not been functioning normally for some time, to be dealt with at this statge.

The present Bill is intended to facilitate the amalgamation, wherever this is considered to be appropriate or desirable, of the medium-sized institutions which were constituted as statutory subsidiaries between October, 1959 and May, 1960, and also to provide for the orderly winding up of two minor State-associated banks in regard to which no decisions could be taken so far. It will perhaps be useful, if I were to refer very briefly to the circumstances in which these provisions have become necessary.

It was envisaged, even when the State Bank of India (Subsidiary Banks) Act, 1959, was enacted by Parliament, that it might be necessary at some future stage for one subsidiary to take over another subsidiary along with its assets and liabilities. Section 38 of this Act accordingly provided for a scheme to be sanctioned by the Central Government authorising such a transfer. It was not anticipated, however, in 1959 that there might be a demand, in consequence of such transfers, for changing the name of any transferee bank.

We are now considering a scheme which involves such a change in the name. As hon. Members from Rajasthan are, perhaps, aware, the State Banks of Bikaner and Jaipur have recently agreed that the former bank might take over the undertaking assets and liabilities of the latter bank, but that the name of the amalgamated institutions should be changed thereafter, so as to include a reference therein to both Bikaner and Jaipur.

This is a demand of all the Members as well as people of those areas. The merger of these two subsidiaries of the State Bank of India is expected to result in the establishment of a single strong and well-administered institution in the public sector, serving the needs of the entire Rajasthan area, and Government have, therefore, welcomed this proposal. In order to authorise a change in the name of the amalgamated institution as proposed, we have now come to the House for permission to supplement the provisions of Section 3 of the State Bank of India (Subsidiary Banks) Act.

The other provisions in this Bill relating to the two minor State-associated banks to which I have referred, namely, the State Bank of Dholpur and the State Bank of Kurundwad (Junior) have been necessitated by the fact that the relevant enactments relating to these banks, as issued by the former Indian rulers, were incomplete and unsatisfactory. The provisions which are now being made are, as the House will find, self-explanatory. The intention is to authorise the winding up of the affairs of these banks as far as possible in accordance with the procedure applicable to banking companies in liquidation. The residue of assets which may be available, when the process of winding up has been completed, will be utilised in the case of the Dholpur bank for the purposes which were originally contemplated and will revert in the case of the Kurundwad bank to its shareholders.

Sir, I do not want to comment on the other clauses of the Bill except to say that clause 2 is meant to bring the provisions of the law relating to voting or participation at board meetings by the directors of the public sector companies interested in the items under discussion, into line with those of the Companies Act, 1956 as amended in 1960, and that clause 4 brings the definitions in the Bankers Book Evidence Act up to date. These amendments are more or less formal in character.

There is no provision in the present Bill which can be said to raise any major issue of policy. We might not normally have troubled the House with this relatively unimportant Bill at a time like this, but the State Banks of Bikaner and Jaipur have indicated to us that they would like the merger, which they have been negotiating, to come into force on the 1st January, 1963. As the House has now managed to find some time for considering this measure, I would request that the Bill may be adopted as it stands.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the State Bank of India Act, 1955, the State Bank of India (Subsidiary Banks) Act, 1959, and the Bankers' Books Evidence Act, 1891, and to provide for the winding up of certain minor State-associated banks and for matters connected therewith, be taken into consideration."

One hour has been allotted for consideration and passing of this Bill. Hon. Members will, therefore, try to be very brief.

Shri Kashi Ram Gupta (Alwar): Mr. Deputy-Speaker, Sir, I want to say something about the Dholpur Bank only. As it is evident, this bank was created for a specific purpose, for the Badi Maharani Sahiba Memorial. I cannot understand how things have drifted in the past as no adequate information is available about this. Even at this stage certain lacunae have been left behind. In the Bill it is provided that the recoveries shall be made in the ordinary way as State revenues. If that is the case, how the recoveries have been left behind is not clear. Moreover, when such ends are there, when such set purposes are there, how the Rajasthan Government could lend some money to that bank is also not clear.

[Shri Kashi Ram Gupta]

Then, some of the provisions in the present Bill are quite contrary to the provisions in the original Act. Only today morning I have given notice of two amendments, but I do not think they have been received in time. Anyhow, I can speak even without moving my amendments.

So long as the recovery method in the original Act is there, I think we cannot make rules for separate recovery until that is repealed. So, I have stated in my amendment:

> "To give effect to everything or anything contained in (a), (b), (c), (d) and (e) above, the mention in the original State Bank of Dholpur Act, 1915, in connection with the mode of recovery of the bank dues and rule 53 connected therewith are hereby declared as having no effect hereafter."

Unless this provision is inserted, the legal lacunae will still continue.

Then, this bank was established for a set purpose. So, unless we omit the words "as far as may be" in line 34 at page 5, we cannot use the funds available only for that specific purpose.

There is the question of the memorial for which the bank was established. Now that capital must have either diminished or increased, which may be in the knowledge of the Government. I want to know why this was allowed to remain in an oscillating position for the last fifteen years. First, Dholpur State was taken in the Matsya Union and then Rajasthan was formed. Why was this not done at that time? Neither was this done when the Subsidiary Banks Act of 1959 was passed. So, my submission is all these things should be made clear and full information given to the House.

I have pointed out some of the difficulties that may arise. So, we must ensure against that. After all, the Maharaja has created this fund for a specific purpose. Though the ruling family is there, there is no question of giving that family anything; whatever is left behind must be utilized for that specific purpose.

Finally, I thank you for giving me this opportunity to speak on this Bill.

Shri Prabhat Kar (Hooghly): So far as the provisions in the Bill are concerned, the major part relates to the merger of the two State associated banks, viz., the State Bank of Jaipur and the State Bank of Bikaner. The other two are very minor points. As regards the amendment of section 3 of the State Bank of India Act and clarifying the provisions relating to voting by the directors of the State Bank and the provisions relating to the orderly winding up of two minor state-associated banks, they are quite welcome.

Here I want to know only one thing. Now this merger is taking place between the State Bank of Bikaner and the State Bank of Jaipur, giving it a new name. At this moment when Government are reconsidering the whole functioning of the State-associated banks why is it that they have not thought in terms of merging these State-associated banks with the State Bank of India. So far as the functioning of the subsidiary banks are concerned, it is almost the same—why almost the same? it is the same—as the State Bank of India, whether in relation to a commercial bank or in relation to services to Government, because all the State-associated banks are functioning as treasury offices of the Government just like the State Bank of India. At that time they were made subsidiaries with a view to consolidate their position and run them efficiently. Now when these two banks are being merged, is it not the time for Government to think in terms of merging all the State-associated banks with the State Bank of India?

15.25 hrs.

[SHRI SURENDRANATH DWIVEDY *in the Chair*]

Then, if it is necessary to have subsidiary banks, as subsidiaries of the State Bank, why not they merge all the subsidiary banks now so that on a future date both the State Bank and its subsidiary can be merged into one bank, instead of allowing so many subsidiaries to function in their own old way?

Then, I want to know the reason for the merger of these two banks. I can understand the merger of two commercial banks. One of the banks may not be functioning properly and Government, naturally, may want to merge it with another bank which is functioning in a better way so that neither the depositors, nor the shareholders or employees will be placed in a difficult position. But these two are State-associated banks under the control of the State Bank and the Government of India. So, what is the main reason for their merger unless it is that one of the banks is not functioning properly?

Many of the branches of the Bank of Jaipur were closed down before merger. So, there must be something wrong with the State Bank of Jaipur. I am quite confident that with the merger of the Bank of Jaipur with the Bank of Bikaner, it will function in a better way. I also hope that there will be no retrenchment of employees as a result of the merger. It is with that hope that I am supporting this Bill.

So far as the winding up process of the State Bank of Dholpur and the State Bank of Kurundwad are concerned, I do not know why they were not taken over at the time when the subsidiary banks were formed. Today we are talking of winding up these banks. Have any efforts been made to see whether it was possible to have them amalgamated or merged with the subsidiary banks, instead of winding them up, so that these banks could also play their role in this area?

With these words, I support the Bill and request the hon. Minister to explain the position in detail.

Shri Sham Lal Saraf (Jammu and Kashmir): I have gone through this Bill and on principle I quite agree that weaker banking institutions in the country should, in accordance with the law already on the statute book, be taken over by stronger institutions in order to enable them to render more and more service to the country, more especially to the business community. Before I comment on the clauses of the Bill, which will come up for discussion clause by clause later on, I would like to ask one or two questions on a matter of principle.

I am very happy that the Bank of Bikaner is in a position that it can amalgamate an another bank, but it would be quite pertinent to ask at the moment about the constitution of the Bank of Bikaner. What is its paid-up capital? What is its subscribed capital? What are its assets and liabilities at the moment? As you know, the whole country has been wanting to have a complete, effective and strong banking system in the country which will cater not only to the needs of the urban population but also the rural population, as well as the growing industrial population of the country.

Keeping that in view it would be pertinent to say that we know what the position at the moment is. As I have explained, when that position is explained with regard to the Bank of Bikaner and you have made out that the Bank is quite a stable bank and is in a position to cater to the needs of the area that it commands or has at its disposal, I would be the first man to welcome it.

[Shri Sham Lal Saraf]

Sometimes, as it has happened in the past also, some of our officers, or even the gentlemen working in the Government, have at times strived to brush aside the small banks in the country and say in one word that these should go and should be replaced by the Reserve Bank of India or the State Bank and so on and so forth. But having seen all over the country the functioning of some of our banks, I can say from some experience that in certain areas banks have cropped up, more particularly in the erstwhile States, because of the local effort either of the then some rulers of the States or of the effort and aspirations of the local business talent and men who were working in public life. Because of them some of the banks had come into existence then when very little banking facilities were available, particularly to the people living in those States to one of which I also belong. I belong to an erstwhile State.

I know some of the bankers have rendered yeoman's service to the people of those States. Not only that, I can say this much also that some of the people of those States have acquired a sort of sentiment towards those banks and they would very much like that those banks are strengthened and, in the modren context of things, are helped and aided so that they can render more and more service to the country. Of course, the opportunity to say that will come when we will have to say something on the provisions in the clauses of this Bill, but I would very pertinently ask one thing of the hon. Minister. He will please tell us as to what the general financial position of the Bank of Bikaner is.

Similarly, they want to extend the provisions of this Bill to other banks. Perhaps they are the Dholpur Bank and the Kurundwad Bank, somewhere in the country. As far as the mushroom growth of banks is concerned, I would say emphatically that that should in no case be allowed. The mushroom growth of banks should straightway be stopped and the Government should see that not a single bank is allowed to exist in that way.

Shri Kashi Ram Gupta: Dholpur Bank was for a special purpose.

Shri Sham Lal Saraf: I have already explained that point.

Besides helping the country and the countrymen, instead of doing that, some of these banks, that is, the musroom growth ones, have created a lot of lack of confidence in the past. A very recent instance is that bank in Kerala which closed its doors only a year or so ago. We know how much of misapprehensions it has created in the minds of depositors and others. These days because of the national government that we have in the country—it is not the Britisher's government—naturally, the Government is making all efforts to see that the income of the people is raised. From statistics one can find that even small savings are being encouraged all over. Therefore keeping that in view the main concern of our Government and of those who are looking after our banking policy is to see that they safeguard the interests of the depositors as also to see that investment facilities are provided to the people, more particularly to the people living in those areas in which those banks are existing.

From personal experience I can say one or two things. Talking about the big banks which, of course, are recognised anywhere and everywhere, it is very difficult for men or for business houses, who do not wield a lot of influence, to be able to get any facility from the Reserve Bank and bigger banks. Therefore this must be seen very clearly that banks that are already existing within the country and are spread all over the country, where people of those areas from the different walks of life are in a position to get the benefit of the existence of

those banks there which help in investments and help the depositors as well, are not disturbed. At least, about such of the institutions that are being wound up it may be said clearly as to what their financial position may be. When that is known, then and then alone it may be possible to agree to it. So, he should enlighten us with regard to the position of those banks.

With these words I am placing at the moment my views before the House.

Shri B. R. Bhagat: Mr. Chairman, Sir, I am glad that the three hon. Members who have spoken on this Bill have given a general measure of support. It is, of course, natural that some hon. Members would ask a few questions concerning this.

The hon. Member who spoke first asked as to why the Dholpur Bank was allowed to remain as it is for the last 15 years, as he said.

Shri Sham Lal Saraf: I would request the hon. Minister to speak from the front bench because that is nearer the mike. We cannot hear him.

Shri B. R. Bhagat: I will raise my voice a little.

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): It need not be so gentle.

Shri B. R. Bhagat: The period of fifteen years is not very relevant in this case because integration took a number of years and then, when we considered the whole question of subsidiaries, it was only a few years back that we came before this House. But the real fact was that the bank was not functioning at all and some of the advances made to the Directors were against immobile collateral securities. Also, the rules and other objectives were worded in such a vague or defective manner that it was not considered possible to rehabilitate the bank. Therefore, the question of delay, as he says of 15 years, in taking up this question does not arise because there were the legal and other difficulties and the bank was absolutely moribund. It was not functioning.

So far as this question of recovery is concerned, he has asked as to why we are changing the mode of recovery.

Shri Kashi Ram Gupta: We should change; but unless we remove that clause from there.....

Shri B. R. Bhagat: That is true. That is exactly what I am going to point out. Clause 5 starts with the words:

> "Notwithstanding anything to the contrary contained in any other law or in any order or other instrument".

So, whatever is contained there goes if this Bill is passed into law. That does not obtain. If I spell it out a little more, this was one reason why the bank remained as it was; we could not do anything about it because the charter of the Maharaja or the legal document was so defective. It said that recovery could be made in the same manner as Government recovers land revenue dues and other things. One important legal interpretation was whether it was the mode of recovery or the period of limitation that was meant. What was the intention of that wording? This matter was examined first by the Rajasthan Government's Legal Department and then the matter was examined here. Then it went for some other judicial interpretation. So, all this took a lot of time because the question of law was involved in it, namely, whether what we are doing today is legal or not. We have followed the stricter interpretation on the advice of our legal advisers, that is, that it is the period that we should take.

Shri Kashi Ram Gupta: If the Bank was not functioning, what was the reason for the Rajasthan Government giving loan to that Bank? You have written there that the Rajasthan Government's loan is there.

Shri B. R. Bhagat: That is all a matter of history and we should not go into those things. I am only saying that whatever mistakes were committed we are trying to rectify by this. At this stage it is not very advisable nor will it serve any purpose to go into why this was done or why that was not done.

The banking practices and other things in some of the States, particularly in the smaller States, were different. The first difficulty about this Bill was whether it was a banking company or not because the very object of it said that it would be for a charitable purpose. So, the first question to be decided was whether it was a charitable institution for a charitable purpose or whether it was a banking institution. The sum and substance of the whole thing is, either the documents or the charter or the legal framework was not such that would subserve any pattern. What we have tried to evolve is what obtains in banking practice whether as regards liquidation or recovery or anything else. I think the hon. Member should be satisfied.

Shri Kashi Ram Gupta: What about the words 'as far as may be'? Will the Government allow these funds to be used for that purpose only afterwards?

Shri B. R. Bhagat: Whatever remains after meeting demands will be utilised as for the purpose.....

Shri Kashi Ram Gupta: The words 'as far as may be' are there. What is the meaning of 'as far as may be'?

Shri B. R. Bhagat: As I said, the charter or the document is such that it cannot be interpreted in the modern banking way. This is an enabling clause. The idea is, whatever is left behind will be used for the purposes and objects of the Dholpur State Bank and in the other case of the Bank of Kurundwad, whatever be left will go to the shareholders. That is the natural practice. 'As far as may be' is only to make it more flexible and not to have a rigid pattern.

The hon. Member raised two points: why not the other Banks subsidiaries also be merged. He knows about these matters too well and perhaps he appreciates that the difference between Bikaner and Jaipur is not the same as between Mysore or Saurashtra.

Shri S. M. Banerjee (Kanpur): Both are here.

Shri B. R. Bhagat: These two banks, Jaipur and Bikaner belong to the same area, the same region. In this particular case, the Bikaner Bank is sound and functions well. The other Bank, Jaipur is rather weak. Therefore, by integrating the two, we not only strengthen the banking in this region, it is very good from all points of view. Here is a case for merging Similarly, the case of merging the Bank of Mysore and Saurashtra does not stand on all fours. As the House will recall, one of the many factors in maintaining separate subsidiary banks was to meet the sentiment of the local people and local sentiments. Each bank, as a result of its long work, has developed a traditional pattern, its own clientele. It is a rather fine point for appreciation that they want to maintain their clientele, that traditional way of working or their own regional sentiments. In recognition of these things, we maintain their separate entity. That is the reason why they cannot be merged either *inter se* among themselves as in this case like Jaipur and Bikaner which is good for all purposes. Also this is welcomed by the two banks, employees, management as well as by the people of the region. If such condition obtain in other cases, we will certainly consider that. But they do not obtain. That is why all the banks cannot be merged into one and all the banks cannot be merged with the State Bank of India. I think the hon. Member knows too well and he smilingly nods. I think I should leave it at that.

Mr. Chairman: The question is:

"That the Bill further to amend the State Bank of India Act, 1955,

the State Bank of India (Subsidiary Banks) Act, 1959, and the Bankers' Books Evidence Act, 1891, and to provide for the winding up of certain minor State-associated banks and for matters connected therewith, be taken into consideration."

The motion was adopted.

Mr. Chairman: We now take up clause by clause consideration. There are no amendments. I shall put all the clauses to the House together. The question is:

"That clauses 2 to 6, clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clauses 2 to 6, clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shri B. R. Bhagat: I move:

"That the Bill be passed."

The motion was adopted.

15.45 hrs.

EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) BILL

The Minister of Supply in the Ministry of Economic and Defence Coordination (Shri Hathi): Sir, on behalf of Shri Nanda, I beg to move†:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, as passed by Rajya Sabha, be taken into consideration."

As the House is aware, this Act was passed in 1952. The present amendment is a very simple one, a non-controversial one and still it is a very important measure from different points of view. It aims at raising the contribution of the workers and the employers from 6¼ per cent to 8 per cent for provident fund. The provident fund scheme has always been looked upon as a social security scheme for workers. Especially in a country like India where the wages of the workers are not high, these benefits, and retirement benefits are of great use to the workers in their after retirement life. Therefore, it was conceived that this scheme where the contribution is 6¼ per cent may be raised to 8 per cent. The Act as it stands today, does provide for the workers to contribute voluntarily 8⅓ per cent if they so desire. But, it is not incumbent, under the existing Act, on the employers to contribute 8⅓ per cent. They have to contribute 6¼ per cent. The measure raises that limit from 6¼ per cent to 8 per cent., in the case of both the employers and employees.

As the House knows, when the scheme was implemented originally, it was extended to only 6 industries in 1952, because it was a new measure and administrative machinery had to be set up. Slowly and slowly, many more industries and commercial establishments have now been covered and today, it applies to 69 industries and establishments. The total number of workers who derive benefit is about 33 lakhs and the number of factories and establishments covered is about 200.

Shri Sham Lal Saraf (Jammu and Kashmir): Including the Government sector factories?

Shri Hathi: Yes; not the Railways. In the initial stages, we had only 6 industries. Then, slowly, we raised and in the last 3 years, the number has been increased by 30. It is now 69 industries.

Shri S. M. Banerjee (Kanpur): Sixty-nine?

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†Moved with the recommendation of the President.

Shri Hathi: That means different kinds of industries. We should take cotton textile as one, tea as another: it does not mean factories; sixty-nine different sets of industries.

The question of raising this limit from 6¼ per cent to 8⅓ per cent was considered. Naturally, as the House is aware, these matters are being considered by the Indian Labour Conference and also by the Employers and workers. While it is essential and necessary and desirable that the limit should be raised, and everybody would like that a worker should get the maximum benefit under the scheme, and anybody who has the welfare of the worker at heart, and I am sure here everybody has, will support this measure, there is no question whatsoever about the utility and the importance of this measure. While today it is only 6¼ per cent., the measure aims at raising it to 8 per cent.

While this was being discussed, the question had to be looked into that while we raised the provident fund contribution, it should not in any way affect the cost or the prices of the materials, that is, the industries should be able to bear the burden. Otherwise, if under the pretext of a slight increase, the cost of production or the prices rise, then again the consumers will have to suffer. Therefore, it was decided that a Technical Committee should go into this, and it was found that in these four industries the additional burden will be only 0·2 per cent. That means that they can easily take the burden. It is not such a heavy burden as could not be borne by the industries.

So, while the benefit has been given to the worker, care has also been taken to see that it does not in any way increase the cost of production. The Technical Committee's report was available in 1961, and forthwith, Government took this step of increasing the limit from 6¼ per cent to 8 per cent and have now come forward with this measure. So far as these four industries are concerned, they can bear the burden. There can be other industries also which can bear this, but the matter has only to be looked into. That, however, should not mean that there should be much delay or any delay in increasing the rate of contribution to the provident fund in other industries also. Government had that view also in mind, and they wanted to have as many industries as possible covered. But there were other provisions of the Act also which had to be amended, and later on, those amendments would be brought forward before the House for its consideration. But pending the consideration of those amendments, this particular amendment should not be delayed. That was the view which Government held, and it is, therefore, that this present one-clause amending measure has been brought forward before the House. The other provisions that require amendment are under the consideration of Government, and this does not mean that all other provisions which require amendment—and perhaps some hon. Members may draw the attention of the House to those provisions in the Act which require amendment—are not being looked into; in fact, they are being considered. For the present, this Bill has been brought forward in a limited sense, limited because we did not want to take more time and delay this important measure which is important from both points of view, firstly, as I said, from the point of view of the benefits which would accrue to the workers, and also from the point of view, secondly, of mobilising small savings. This will mean savings also. And today we do require resources, and, therefore, it is that the utility of this measure could not be over-emphasised.

I would not take more time of the House. But if hon. Members raise any points, I shall reply to them. But, for the present, I shall deal only with

these points, and with these words, move for the consideration of the Bill.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, as passed by Rajya Sabha, be taken into consideration.".

No time has been allotted for this Bill. May I know how much time do hon. Members want for this Bill?

Shri Indrajit Gupta (Calcutta South West): I think it was one hour.

Shri S. M. Banerjee: It is a very important Bill, and it will take more than one hour.

Mr. Chairman: Shall we continue the discussion of this till 5 P.M. then?

Shri S. M. Banerjee: Yes, we shall continue this till 5 P.M.

Shri Indrajit Gupta: As far as this Bill is concerned, as the hon. Minister has said, it will naturally command the support of everybody in this House and it should. However, if that was all that there was to be said, I would resume my seat immediately, but I have to give my support in a rather qualified manner, the reason being that the Bill itself is qualified. I feel that this step which is certainly a step forward—there is no doubt about it, and I welcome it because of that—is, however, a very halting step, a very hesitant step, a very long overdue step, a step which does not keep in step with the requirements of the times. I think the Ministry, if I may be emboldened to say so, still seems to be living in the pre-emergency days.

Beginning from all the talk that we had about the need for paper economy, the first thing that struck me was the way—of course, we are sticking to the good old rules, I know that—this one sheet containing the amendment has been enclosed so beautifully between these two pink hard covers. One might make a beginning from here. I think paper economy should start from here.

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): It was out of respect to the House and to the hon. Members that it has been enclosed like that.

Shri Indrajit Gupta: That is all right, but we can do with a little less respect in a time of emergency. We are prepared to do all sorts of things. So, why not in this also?

Anyway, my point is that this matter has been under consideration for a very long time, and Government know very well that the discussion on this question in the tripartite labour conference and other bodies has been going on for the last two or three years, namely the question of the necessity to raise the rate of contribution.

I am glad that the hon. Minister has made a reference to the need not only for providing a greater measure of social security to the workers in a country like ours where the wages are low and where a comprehensive social security legislation is still to come, but also for augmenting small savings which I would have thought is a very important thing in today's circumstances. Therefore, regarding the extent of coverage which is the main thing at stake, there is nothing in this Bill; as regards everything else, as regards the attitude of Government and the general approach of Government etc. I support them, but the point is this. Today, where do we find in this Bill the urgency regarding the question of coverage which should be speedily brought into operation? I shall forget about social security for the time being. But what about the other aspect which the hon. Minister has mentioned, namely the need for mobilising small savings? I should have thought that at least from

[Shri Indrajit Gupta]

that point of view, Government would have shown a little more urgency in regard to this matter. Therefore, why this great reluctance on the part of Government, why this moving at the snail's pace and the refusal to extend this to other industries also immediately?

16 hrs.

Shri Hathi: Where is the refusal? It has to be notified.

Shri Indrajit Gupta: Then why have these four industries only been specified: I know that the employers' resistance and reluctance and all that was behind it. I know the history of that technical committee which was set up. It was at the employers' insistence, when they brought forward the plea that the capacity of the industry to bear this extra 0·2 per cent increase must be gone into in great deal, industry by industry, otherwise the industries would collapse, that willy-nilly not only the Government but the workers and everybody in that tripartite body had virtually to agree to the setting up of this technical committee. Then that committee went into a long investigation for nearly two years and throughout its proceedings the employers were at pains to try to prove that they could not possibly bear this burden. Ultimately, very reluctantly, the committee by a majority—not unanimously—decided in favour of increasing it in respect of these four industries and now at long last this has come before us. For instance, not even those two industries which were among the original six when this Act was first put on the statute book, namely, textiles and cement, have been covered in the first instance by this new Bill. Am I to take it that Government are satisfied that the great textile industry of India is not in a position to bear this 0·2 per cent increase in provident fund contribution? As regards the cement industry, everybody knows that it certainly cannot claim to be one of the least prosperous in the country. One branch of the textile industry, not the cotton textile industry but the jute textile industry, is passing through probably the most prosperous period in its history today. I would remind the Minister that even before the statutory legislation of 1952, the jute industry in West Bengal introduced this scheme in 1948. It is a matter on which that industry prides itself, perhaps quite legitimately, that even before the statute came, they had introduced this and it was given a sort of legal stamp by means of an omnibus tribunal award in 1948 and brought into force.

But when it comes to a question of increasing the rate of contribution, the cotton textile industry, the jute textile industry, the cement industry and all those industries are left out. Why? I find that the Bill as it has emerged from the other House carries a further amendment which says that the application can be extended to other establishments and industries too by the Central Government after making such enquiry as it deems fit. The words are innocent enough. I have no quarrel with that. But if that enquiry means that in the case of each subsequent industry that sort of technical committee is to be set up and it will go through a long rigmarole for two and three years, I do not think this is either in the spirit of development of social security provisions in our country or of mobilising small savings which are required today for the defence effort.

Therefore, my first contention is that as far as it goes, everybody will welcome the Bill, but it does not go far enough and rapid steps should be taken to see that at least the big, well-established organised industries are covered with the least possible delay.

Another point is that the question of financial capacity should not really come in in the case of what are called these fringe benefits. I can understand financial capacity being considered when it is a question of changing the whole wage structure or the question of paying bonus or something like that. But in the case of these small fringe benefits, the incidence of which is very very small, that question should not arise. I do not say that it should be totally ignored, but it should not be made into a fetish, as some employers try to do.

I can also say that the size of a concern does not necessarily have a proportionate bearing on its financial capacity. It does not follow that just because the number of employees in a particular establishment is relatively small, the financial capacity of that establishment is also correspondingly low. I can cite many instances. For instance, take cinema houses. Everybody knows that if there is one profitable line of business today in this country, it is the cinema houses. But there are cinema houses which do not employ more than 12 or 15 employees and yet they make proportionately very good profits. Only last year or so was this Act applied to cinema houses employing more than 20 or 25 workmen. But I can assure the Minister that there are cinema houses which employ 10 or 12 or 15 men and make very high profits.

All these things should be gone into. The question of extending coverage is, in my view, the basic question and questions of financial capacity and so on should be looked at realistically and not made into a fetish.

There is one other question I would briefly touch on. It does not come strictly within the purview of the Bill. It is the question of administration of the Act and the scheme. The Minister will probably tell me that the administration is improving and so many prosecutions have been launched against defaulting employers and so on. That will not get us very far. Is it not time for Government to go a bit ahead and take some further steps by which these small savings—after all, that is among the two-fold purposes of the Act, small savings and old-age security—are safeguarded more effectively against possible misuse by certain people and so on. I have in mind a suggestion which I believe was made very recently at the last session of the standing Committee of the Indian Labour Conference, that some sort of compulsory insurance of provident fund deposit should be introduced. The scheme has to be worked out in all its details. It has to be considered how far it is practicable. But on principle I commend it and request Government to give some consideration to it and see whether it cannot be done. I know from personal experience that in a large number of concerns, workers' provident fund money has been tampered or trifled with in the sense that employers have not deposited the money they are required to do; they have also misused it for purposes other than those intended. If some system of insurance is introduced, it will go a long way in solving this problem.

The last point concerns a very important question—including within the definition of 'wages' for the purpose of the Provident Fund Act....

Shri Hathi: Bonus.

Shri Indrajit Gupta: ..not all bonuses, but production bonus. The Minister knows only too well that the Government itself was in favour of this and had even issued a notification to that effect, that it had been advised on the highest legal authority that the term 'wages' as defined in the Act should include incentive bonus or production bonus earned by workers. I have with me copies of those notifications too where Government has made it clear that this question 'having been re-examined in the light of the opinion of the Solicitor-General, the Government

[Shri Indrajit Gupta]

of India has been advised that production bonus payable as part of a contract of employment satisfies the definition of 'basic wages' under section 2(b) of the Employees Provident Fund Acts. This was the decision of Government. Then of course, as usual, the employers could not reconcile themselves to it. They took the matter to litigation. It went to the Supreme Court and that court in its wisdom held only recently, less than two months ago, that the legal phraseology of the Act is such that in the opinion of the court production bonus or incentive bonus is excluded from the definition. Though in the proceedings before the Supreme Court, not only the workmen concerned in that particular dispute but the Union Government itself represented and argued the viewpoint of Government, the court did not accept it.

With all respect to the Supreme Court, I think they came to this decision on the basis of the actual wording of the Act as it exists at present. They did not discuss the merits of the question in that way. They said the wording of the Act as it stands cannot include production bonus and incentive bonus. But if on the merits of the question, Government is convinced that production bonus and incentive bonus are part of wages earned by the worker on the actual output which he gives, I submit that it is very important in the present time, when the need for maximising production is urgent and all-important, that all possible incentives be given for greater production. If the Government is convinced—I hope it does not yield to the pressure of the employers—then it is for the Government to come forward with further amending legislation to see that the definition of wages is so amended that it can include production and incentive bonus, and that I think will be only doing very long delayed justice to the workers

With these words, I support the Bill.

Shri K. N. Pande (Hata): I rise to support this Bill, but before I say something on the amendment that is before the House, I want to say something about the background as to why this amendment has been brought forward.

The Act came into existence in 1952, and gradually it has covered 69 industries. In the beginning Government also thought that if this Act was applied to more industries, some industries might be in difficulties, but gradually the Government also came to the conclusion that the burden was not such that the industries could not bear it. Therefore, they decided to extend the benefit of this Act to a larger area.

For the information of the hon. Minister I want to say that although this Act came into existence, so far as the sugar industry in concerned, in 1956, yet there are instances of some sugar factories where the rate of contribution was two annas in the rupee, that is much more than 8 per cent. Anyhow, at that time the scheme had not been extended to cover the sugar industry. However, after some time they came to this conclusion to cover this industry in 1956.

Sometimes when a Government decides to do a thing, it is welcomed, but when it consults the people concerned, resistance comes from the side of the employers. An expert committee decided that in some industries the rate of contribution may be extended, but when the consultation started, resistance started coming from those industries, and it has been delayed for some years before this could come before Parliament.

My proposal is that this amendment should not cover only four industries, but should cover more industries if the Government is satisfied that the industries are in a position to bear the burden. I think this burden is not so much that an industry cannot bear it, unless it is economically very weak, because they are already paying 6 1/4 per cent. What difference does it make?

16.14 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

My suggestion is that as the Government are now taking this weapon in their hands, they should come to this conclusion gradually, that as they have been able to extend the scheme to cover a larger area of the workers, they should also gradually raise the rate of contribution in order to enable other workers also to take the benefit, because in the present conditions that is the only saving that the labourer can get when he retires, and with this sum he has to pass his remaining days. So, everybody should be sympathetic towards the workers who have already passed their youth. So, the Government should be liberal enough to extend the rate of contribution in order to cover other industries also.

I support Shri Gupta regarding production bonus, although in principle I do not agree that this is production bonus, because on the increased production I get a part of the production and that is a production wage and not production bonus. My proposal is that if the Act requires some amendment in the term "wages", it should be amended so as to cover this so-called production bonus which is actually production wage. I hope the Ministry will take steps to bring some amending legislation so that the term "wages" can be amended to cover all these things. The workers are required to put in hard work at the moment, and there will be many incentives offered to them, and they should not be deprived of the benefit of the extra production. My suggestion is that this production bonus should be termed as wage in order to enable the workers to pay their contribution on the production bonus also.

Mr. Deputy-Speaker: Shri S. M. Banerjee. Five minutes.

Shri S. M. Banerjee: We are continuing upto 5 P.M.

Shri Indrajit Gupta: That is what the Chairman said, because no time has been allotted.

Mr. Deputy-Speaker: We have to close by 5 P.M.

Shri Indrajit Gupta: In any case he said we will carry on up to 5 P.M.

Mr. Deputy-Speaker: This is a simple Bill. He can say anything in five minutes.

Shri S. M. Banerjee: It is not so simple as it appears.

Mr. Deputy-Speaker: Just a one-clause Bill.

श्री स० मो० बनर्जी : उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करने के लिये खड़ा हुआ हूं । प्राविडेंट फण्ड की दर को सवा छः परसेंट से बढ़ा कर जो आठ परसेंट किया गया है, यह बहुत अच्छी चीज़ है और मैं समझता हूं कि इसका हर भाई स्वागत करेगा ।

लेकिन इसमें एक सवाल पैदा होता है । काफी दिन पहले इसी सदन में हम लोगों ने एक सुझाव रखा था कि इसको दूसरे उद्योगों में भी लागू किया जाए । इसको अभी तक भी माना नहीं गया है । मैं समझता हूं कि कम-अज़-कम आज जबकि देश को पैसे की जरूरत है, इसको अगर टैक्सटाइल इण्डस्ट्री में, शूगर इण्डस्ट्री में, जूट इण्डस्ट्री में तथा और इण्डस्ट्रीज़ में जहां पर कि मुनाफे की कमी नहीं है और जो उनका मुनाफा है वह जाहिरा तरीके से ही इतना है कि वे इस पैसे को अदा कर सकती हैं, लागू कर दिया जाए तो कोई हानि की बात नहीं होगी, इससे देश को लाभ ही होगा ।

उपाध्यक्ष महोदय, यह मानी हुई बात है कि मज़दूरों के बुढ़ापे का यही एकमात्र सहारा होता है । फिलहाल अगर इसको बढ़ा दिया जाए तो देश को जो कुछ ज्यादा आमदनी होगी, उससे चीनी आक्रमण के खिलाफ लड़ने के लिये जो पैसे की हमें जरूरत है, वह पैसा भी हमें ज्यादा मात्रा में मिल सकता है । इस वक्त यह सिर्फ चार इण्डस्ट्रीज पर लागू है, एक सिग्रेट इण्डस्ट्रीज है, एक पेपर

[श्री स० मो० बनर्जी]

इंडस्ट्री है, एक आयरन एण्ड स्टील इंडस्ट्री है और एक और इंडस्ट्री है । मैं समझता हूं कि इस एमरजेंसी के समय में अगर हम चाहें तो इसको टैक्सटाइल, शूगर, ज्यूट तथा ऐसी ही दूसरी इंडस्ट्रीज पर बड़ी आसानी से लागू कर सकते हैं । वहां पर आज यह लागू नहीं है । आज कम से कम, जबकि मालिकान चाहते हैं कि एमरजेंसी को ध्यान में रखते हुए देश सेवा के लिये मजदूर ज्यादा काम करें, इतवार को काम करें तथा दूसरी छुट्टियों के दिन भी काम करें, तो देश के हितों में यह मांग है कि इसको बढ़ा कर आठ परसेंट कर दिया जाए तो वैसा करने के लिये भी हम को तैयार रहना चाहिये और वैसा कर दिया जाना चाहिये । इससे मजदूरों के बुढ़ापे का जो यह एकमात्र सहारा है, उससे इनका ही कल्याण नहीं होगा बल्कि देश का भी कल्याण होगा । मैं माननीय मन्त्री जी से निवेदन करूंगा कि जिन इण्डस्ट्रीज का मैंने नाम लिया है, उनमें हमेशा के लिये इसको वह बढ़ाना नहीं चाहते हैं और समझते हैं कि इसके लिये और जांच पड़ताल की आवश्यकता है, यह देखने की आवश्यकता है कि मुनाफा काफी होता है या नहीं होता है, तो इस एमरजेंसी के समय के लिए तो कम से कम इसको बढ़ा कर आठ परसेंट कर दें ।

उपाध्यक्ष महोदय, इस में लिखा हुआ है :–

"Provided that in its application to any establishment or class of establishments which, the Central Government, after making such enquiry as it deems fit, may by notification in the Official Gazette specify, this sub-section shall be subject to the modification that for the words 'six and a quarter per cent', the words 'eight per cent' shall be substituted."

मैं यह जानना चाहता हूं कि माननीय मन्त्री जी से कि क्या उनको ध्यान है कि क्या वाकई में आज इस बिल का फायदा दूसरे मजदूरों को भी मिलेगा या वह इस वक्त नहीं मिलेगा । मेरा यह कहना इसलिये है कि आज हम लोग मजदूरों को यह नारा दे चुके हैं कि यह वक्त है कि वह सरकार का खुले आम समर्थन करें और अगर जरूरत पड़े तो और ज्यादा काम करें, कम पैसा लें, ओवर टाइम न लें । इस तरह के प्रस्ताव पास हो चुके हैं । ऐसी हालत में मैं समझता हूं कि एम्प्लायर और एम्प्लायीज को मिल कर रेल के दो पहियों की तरह से चलना चाहिये । इस देश को मंजिले मकसूद पहुंचाने के लिये उन्हें ८ फी सदी देने में कोई एतराज नहीं होगा ।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं और मानता हूं कि इस एमरजेंसी के समय में मजदूरों को ८ परसेंट देंगे ताकि उन को उसका फायदा हो, उनके बाल बच्चों का भविष्य उज्जवल हो और उन के जीवन को सहारा मिलने की बात हो ।

Dr. Melkote (Hyderabad): Mr. Deputy-Speaker, the Bill which has been brought forward today is rather a belated one. We have been expecting its introduction for a long time. Even then it is most welcome. Two salient points have been brought forward by the hon. Members who preceded me; it should have greater coverage and secondly, production bonus, etc. which the workers get should be included in calculation.

I support both these points and I welcome this Bill.

श्री अ० ना० विद्यालंकार (होशियारपुर) : उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करने के लिये खड़ा हुआ हूं । जैसा अभी डा० मेलकोटे ने कहा इस बिल को बहुत देर पहले आना चाहिये था । मैं ऐसा महसूस करता हूं कि पिछले १४ वर्षों में जिस रफ्तार से हम इस मामले में चले हैं वह रफ्तार कुछ धीमी रही है । मैं चाहता हूं कि वह रफ्तार तेज हो जाये । मैं ऐसा अनुभव करता हूं कि यह

एक सोशल सिक्योरिटी मेजर है, और मैं ऐसा महसूस करता हूं कि सोशल सिक्योरिटी की हर मजदूर को जरुरत है । यह एक बुनियादी जरूरत है हर एक मजदूर के लिये जो कि हम को अब तक तमाम मजदूरों पर लागू कर देना चाहिये था । मैं इसका स्वागत करता हूं ।

अभी कुछ समय पहले गवर्नमेंट ने कुछ कामर्शल एम्प्लायीज को इसमें शामिल कर लिया है । मैं आशा करता हूं कि कामर्शल एम्प्लायीज की जो मुख्तलिफ कटेगरीज हैं उनके ऊपर भी तेजी से इसे लगाया जायेगा । इसी तरह से मैं आशा करता था कि इसमें ज्यादा से ज्यादा मजदूरों को फायदा पहुंचाने की कोशिश की जायेगी । जहां तक इसमें गवर्नमेंट ने एन्क्वायरी की बात रक्खी है वह काफी एन्क्वायरी या तहकीकात कर ले मगर इस तहकीकात के अन्दर वह बहुत ज्यादा देर न लगाये । यह मामला ऐसा है जो कि बुनियादी जरूरत का है । इसके लिये किसी लम्बी चौड़ी एन्क्वायरी की जरूरत नहीं है ।

हमने हमेशा ८ १।३ परसेन्ट की मांग रक्खी थी, लेकिन उसको अब ८ परसेंट किया गया है । इसमें जो कुछ असर एम्प्लायीज पर पड़ेगा वह दरअस्ल ·२ परसेंट से अधिक नहीं पड़ता है । इसमें सिर्फ ·२ परसेन्ट कास्ट बढ़ेगी । जितनी लेबर कास्ट पहले इंडस्ट्री की है उसमें अगर ·२ परसेन्ट बढ़ जाता है तो मैं समझता हूं कि उसको हर एक इण्डस्ट्री बर्दाश्त कर सकती है ।

दूसरा सुझाव मेरा यह है कि इस में जो भी फैक्ट्रीज कवर होती हैं उन में पांच वर्कर्स तक की फैक्ट्रीज या एस्टैब्लिशमेंटस जो हैं उनको हमें शामिल करना चाहिये इस से हम एक फायदा यह होगा कि जो रुपया हम इकट्ठा करते हैं वह स्माल सेविंग्स से इकट्ठा करते हैं अगर हम इस तक विधेयक में ५ वर्कर्स के एस्टैब्लिशमेंट्स को शामिल कर लें तो हमारे पास बहुत ज्यादा रुपया आयेगा । इस वक्त हम जो कुछ कर रहे हैं उससे मेरा अन्दाजा है कि तकरीबन १०० करोड़ रु० और आता है । इस बिल के मातहत तकरीबन ६ या ६½ लाख मजदूर आ जायेंगे और इस में कोई १०० करोड़ का फर्क पड़ेगा । इस वक्त हम को रुपये की जरूरत है और वह रुपया आप के नैशनल काम में आयेगा । यह सबसे बड़ा फायदा इसमें है इसलिये मैं समझता हूं कि इसमें ज्यादा से ज्यादा मजदूरों को शामिल करना चाहिये ।

अगली बात जो मैं कहना चाहता हूं वह यह है कि इस कानून का जो एग्जिक्यूशन होगा उसमें हम को ज्यादा स्ट्रिक्टनेस बरतनी चाहिये । बहुत से एम्प्लायर्स एम्प्लयीज से रुपया काट कर ले लेते हैं और एम्प्लायीज का हिस्सा और अपना हिस्सा दोनों अपने पास रख लेते हैं । इस तरह काफी रुपया हमारे पास नहीं आता है । मैं चाहता हूं कि इस बारे में काफी देखभाल होनी चाहिये और गवर्नमेंट के पास पूरी इन्फार्मेशन इसके सम्बन्ध में होनी चाहिये । पहले हमने ५० मजदूरो की सीमा रक्खी थी, फिर २० की । आजकल एक टेंडेंसी यह भी देखी जाती है कि जहां किसी भी एस्टेब्लिशमेंट में या फैक्ट्री में मजदूरों की संख्या बढ़ी कि एम्प्लायर अपने एस्टैब्लिशमेंट को स्प्लिट अप करने लगता है । जो भी बड़ी फैक्ट्री होती है वह देखती है कि अगर निश्चित सीमा से अधिक मजदूर आ गये हैं तो वह बनावटी तौर पर अपनी फैक्ट्री को कम मजदूरों वाली फैक्ट्री बना देती है । फैक्ट्री में एक मामूली दीवार जैसी चीज खड़ी करके कहती है कि यह दो फैक्ट्रीज हैं । उनके नाम अलग अलग कर देती है और उस को करके जो प्राविडेंट फण्ड का प्राविजन होता है उससे बचने की कोशिश करती है । हमें इस बारे में काफी चौकन्ना रहना चाहिये और इस चीज को हम को इस तरह से लागू करना चाहिये जिसमें कि जो मजदूर उससे फायदा उठाते हैं उनको इस तरह से नुकसान पहुंचाने की कोशिश न हो ।

एक बात और है जिसका सम्बन्ध वेजेज से है । इसमें उसकी डेफिनिशन भी बदलनी चाहिये । जो उसकी फेअर वेज है वह भी उसको

[श्री अ० ना० विद्यालंकार]

मिलनी चाहिये । लेकिन उसकी वेजेज में उसके सब इमालुमेंट्स शामिल होने चाहियें । All his emoluments should included in the definition of wages. वे सब उसकी वेज के हिस्से हैं । आज वर्कर्स को एम्प्लायर्स की ओर से फेअर वेज या लिविंग वेज नहीं मिलती है । यह उनकी विशेष कठिनाई है । इसके लिये कुछ ऐसा प्रबन्ध होना चाहिये जिससे कि जो भी उस के इमालुमेंट्स हैं वे सब उसकी वेज में शामिल हो जायें और वे लोग इस फायदे से महरूम न रहें ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं और आशा करता हूं कि जो बातें मैंने और मेरे दोस्तों ने यहां कही हैं उनकी तरफ माननीय मन्त्री महोदय ध्यान देंगे और इस के बारे में जो कमियां हैं वह उन को पूरा करेंगे ।

श्री कछवाय (देवास) : उपाध्यक्ष महोदय यह जो बिल आया है मैं उसका समर्थन करता हूं क्योंकि इसमें प्राविडेंट फण्ड में ६.२५ प्रतिशत से बढ़ा कर कटौती ६⅔ प्रतिशत कर दी गई है । इस सम्बन्ध में मैं दो चार बातों की तरफ माननीय मन्त्री जी का ध्यान दिलाना चाहूंगा ।

इस बिल के अन्दर जितने कारखानों पर इसको लागू करने की बात कही जाती है उतने कारखानों पर लागू होने की बात की पूर्ति इस से होती नहीं मालूम होती है । आज हमारे देश में ऐसे बहुत से कारखाने हैं और व्यवसाय हैं जिन पर इसको लागू होना चाहिये । इस लिये चाहे छोटे कारखाने हों या बड़े कारखाने हों, उन सब पर इसको लागू करने में कोई हिचकिचाहट नहीं होनी चाहिये । ऐसे भी बहुत से उद्योग हैं, जैसे कि सिनेमा हैं, होटल हैं, जिन में बीस बीस आदमी काम करते हैं, लेकिन ऐसे बहुत से उद्योग हैं जिन पर यह लागू नहीं है । इस पर विशेष ध्यान दिया जाना चाहिये ।

इस सम्बन्ध में मैं एक बात और कहना चाहता हूं कि आज हिन्दुस्तान के मजदूर बड़े उत्साह के साथ देश पर जो आपत्ति आई है उसका मुकाबला करने के लिये तैयार हैं । ऐसे अवसर पर हमें अपने मजदूरों को खुश रखने की बहुत आवश्यकता है । लेकिन इस बिल में यह जो गुंजाइश रक्खी गई है कि इस कानून को जिस पर उचित समझेगें लागू करेगी यह ठीक नहीं है । जब भी इस बारे में कोई विचार किया जाय तो समय समय पर संसद् की राय लिये बगैर न किया जाय ।

आज देश में मजदूरों के सम्बन्ध में जो समस्यायें हैं उनको हल करने के लिये हमारे मजदूरों की राय ली जानी चाहियें । और जिस कारखाने में पांच व्यक्ति काम करते हैं उन कारखानों पर इस कानून को लागू करना चाहिये । इस सम्बन्ध में भारतीय मजदूर संघ का एक प्रतिनिधि मण्डल हमारे श्रम मन्त्री श्री जयसुखलाल जी हाथी से मिला था, आज से कोई तीन या चार महीने पहले । उन्होंने यह आश्वासन दिया था कि वे इस पर छः महीने बाद विचार करेंगे । मैं समझता हूं कि यह ऐसी बातें हैं जो कि बहुत जल्दी लागू होनी चाहियें । इसमें इस बारे में विशेष ध्यान देने की आवश्यकता है कि कौन कौन से कारखाने ऐसे हैं जिन पर यह कानून लागू नहीं किया गया है । मुझे अनुभव है कि मध्य प्रदेश में ऐसे बहुत से कारखाने है जिन पर यह कानन लागू नहीं है हालांकि यह कानून बन चुका है कि २० आदमी जिस फैक्ट्री में काम करते हैं उस पर यह लागू होगा । वहां आज ऐसे बहुत से कारखाने मौजूद हैं जिन में २००, २०० और ५००, ५०० मजदूर काम करते हैं लेकिन उन पर यह कानून लागू नहीं है । इसलिये मैं सरकार से बड़ी नम्रता से निवेदन करता हूं कि उसको इस की छानबीन करनी चाहिये और जिस कारखाने पर यह लागू न हो उसके मालिकों पर सख्त कार्रवाई करनी चाहिये ताकि वह जल्दी से लागू हो जाये ।

श्री भागवत झा आजाद (भागलपुर) : उपाध्यक्ष महोदय, न केवल उन सदस्यों ने जिनका मजदूरों से सम्बन्ध है, बल्कि कई सदस्यों ने, जो कि इस से सम्बन्धित नहीं हैं, इस विधेयक का स्वागत किया है । इसमें मजदूरों के प्रावीडेंट फण्ड का हिस्सा बढ़ा दिया गया है । यह बिल जरा देर से आया है, लेकिन देर आयद दुरुस्त आयद वाली कहावत के अनुसार आज इसका आना विशेष रूप से स्वागत योग्य है क्योंकि आज मजदूर लोग अपनी एड़ी चोटी का पसीना बहाकर काम में लगे हुए हैं और वे कुछ अतिरिक्त पैसा लिये बगैर अतिरिक्त काम करने को तैयार हैं । ऐसे समय में इस विधेयक का आना विशेष रूप से सराहनीय है ।

लेकिन इस स्वागत के बाद में दो एक बातों की ओर सरकार का ध्यान खींचना चाहूंगा । अभी माननीय मन्त्री जी इसको केवल ६ उद्योगों पर ही लागू करना चाहते हैं । आज इन ६ उद्योगों में जिस तरह मजदूर काम करते हैं उसी प्रेम, सहानुभूति और मेहनत से दूसरे उद्योगों में भी मजदूर काम करते हैं । तो मेरा सुझाव यह है कि इसको अन्य उद्योगों में भी जल्दी से जल्दी लागू किया जाए ।

दूसरी बात मैं यह कहना चाहता हूं कि जैसा कि मजदूर नेता श्री विद्यालंकर जी ने कहा—कि हम कानून तो अच्छे बनाते हैं लेकिन सबसे बड़ी आशंका हम को यह रहती है कि जो इसको कार्यान्वित करने वाले हैं वे अपना काम सही तौर से करेंगे या नहीं । अक्सर देखा गया है कि चाहे अच्छे से अच्छा कानून यहां से पास किया जाए लेकिन कुछ ऐसे हथकण्डे लगाये जाते हैं कि उनसे मजदूरों को लाभ नहीं मिल पाता । जैसा कि अभी एक माननीय मित्र ने बतलाया बहुत से कारखानेदार ऐसा करते हैं कि अपने उद्योग को खंड खंड कर देते हैं जिससे एक खण्ड में २० आदमी न रहें और उन पर यह कानून लागू न हो सके । तो इस ओर भी ध्यान रखना चाहिये ।

इस बिल में मजदूरों के प्राविडेंट फण्ड का परसेंटेज बढ़ाया गया है । यह अच्छी बात है । इसको अधिक से अधिक उद्योगों पर लागू करना चाहिये और हमारे अफसरों को यह देखना चाहिए कि कारखाने वाले ऐसे हथकंडे न लगा पावें कि मजदूर इसके लाभ से वंचित रह जाएं । यही दो मेरे सुझाव हैं ।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूं ।

श्री विश्राम प्रसाद (लालगंज) : उपाध्यक्ष महोदय, जहां हम एक तरफ समाजवादी समाज की व्यवस्था की बात करते हैं और गरीबों और किसानों के बारे में बड़ी बड़ी अच्छी स्पीचें देते हैं, वहां यह देख कर मुझे बड़ा ताज्जुब हुआ कि आपने सवा ६ परसेंट फण्ड काटने का नियम केवल ६ उद्योगों में चलाया और फिर उसको ६३ उद्योगों में बढ़ाया । अब जो यह आठ परसेंट बढ़ाया जा रहा है इसको माननीय मन्त्री जी केवल चार उद्योगों पर लाग करना चाहते हैं । सरकारी नौकरों को हम देखें तो उनके लिये जनरल प्रावीडेंड फण्ड और कांट्रीब्यूटरी प्रावीडेंट फण्ड की स्कीम है जिसमें उनका रुपए में एक आना से लेकर ढाई आना तक काटा जा सकता है । यानी १५ परसेंट तक काटने की स्कीम है । लेकिन जो मजदूर कारखानों में काम कर रहा है, आपका प्रोडक्शन बढ़ा रहा है, आपके लिये हथियार बना रहा है, कपड़ा आदि भी बना रहा है, उसके लिये आप अपनी स्कीम केवल चार उद्योगों तक ही सीमित रखना चाहते हैं । इससे मुझे बड़ा ताज्जुब मालूम होता है ।

हम कोशिश करते हैं कि स्माल सेविंग हो, लोग बीमें में ज्यादा रुपया जमा करें जिससे देश के पास रुपया आये और उससे योजनाओं का काम आगे बढ़ाया जाए । ऐसी अवस्था में यह समझ में नहीं आता कि इस

[श्री विश्राम प्रसाद]

प्रावीडेंट फण्ड की स्कीम को क्यों कुछ उद्योगों तक ही सीमित रखा जाता है । आज हमारे मजदूर दिन रात काम करके उत्पादन बढ़ा रहे हैं । उनको इस स्कीम का ज्यादा से ज्यादा लाभ देने की कोशिश करना चाहिये और इस स्कीम को ज्यादा से ज्यादा उद्योगों में लगा देना चाहिये ।

दूसरी बात मैं यह कहना चाहता हूं कि जो मजदूरों को कभी कभी बोनस मिलता है उस पर भी आठ परसेंट के हिसाब से जनरल प्रावीडेंट फण्ड में रकम काट कर जमा की जानी चाहिये, क्योंकि बोनस भी तो सेलेरी का अंग है । मुझे उम्मीद है कि जनरल प्रावीडेंट फण्ड की योजना सब कारखानों में लागू की जाएगी । इससे मजदूर ज्यादा मेहनत से काम करेंगे और अपना बुढ़ापा काटने के लिये भी उनके पास कुछ पैसा हो जाएगा ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं ।

Shri C. K. Bhattacharyya (Raiganj): Mr. Deputy-Speaker, Sir, I stand to support this amendment, but I feel that there should have been a schedule attached to it in which at least some of the industries to which this amendment would be immediately applicable should have been stated. The Bill, when it was brought before the Rajya Sabha, had four such industries mentioned in it, but as it emerged from Rajya Sabha and it has come to us there is no such statement of the industries to which it may be applicable. The power has been left in the hands of the Government to make enquiries and notify in the Gazette and then make it applicable to them.

In making this amendment applicable to certain industries, the question of capacity to pay will perhaps come. I should request the hon. Minister to take particular care beforehand, that those industries whose workers may be expecting help from this amendment may not find themselves in difficulty being put into the Supreme Court as happened in the case of the working journalists, when the Wage Board's decision under the Working Journalists' Act was set aside by the Supreme Court on the ground that the capacity to pay had not been previously examined. The Minister should kindly take all possible care to test the capacity to pay so that somebody taking the case to the Supreme Court may not have the decision set aside, that the provident fund contribution of the workers as well as the employers be raised from 6¼ per cent to 8 per cent.

The hon. Minister in the course of his speech has assured the House that he would bring in further amendments to the other provisions of the Bill. For the benefit of the workers I would particularly request him to take note of one fact, to which reference has already been made by some of the previous speakers, that there are industrial undertakings, very big industrial undertakings in which the contribution made to the provident fund has been misused, has been easten up by the employers themselves for their own purpose and the workers, when they have insisted on getting accounts, were not given the accounts. This is within the knowledge of Government. They have dealt with such cases. But what I find is, in such cases, in dealing with the defaulting employers, the Government deals with them with a very soft hand. In fact, in cases in which an individual so implicated is charged with defalcation, the position that the Government has taken is this, that they have requested the employer to pay back the money in instalments and let him go. I would request the Government not to make any compromise of this sort. In case of defalcations by an employer of the provident fund money, to make compromises with the defalcating employer so that the defalcations may be made up by instalments, takes away or injures public morality and shakes the confidence of the workers in the administration of the fund itself.

I would suggest to the hon. Minister that in any future amendment that he may bring in after this he should kindly see that the administration of the funds is put on such a basis that these things may be made impossible and if anybody tries to do them he may be dealt with under the ordinary provisions of the law and not allowed to go unscathed by making defalcations and then paying it back in instalments.

Shri Hathi: Mr. Deputy-Speaker, I am grateful to the hon. Members who have given their general support to the measure. I am also thankful to them for drawing the attention of the Government to various other provisions which are not included in this Bill. But, as I submitted at the beginning, I did mention that the Government were considering various other provisions which need amendment.

One thing which has been mentioned by most of the members is the question of production bonus. Hon. Members will appreciate that the attitude of the Government and the approach of the Government, so far as production bonus was concerned, has always been that it should be included, and by suitable instructions Government did mention it categorically. However, the matter went to the Supreme Court, and that highest tribunal in the land in its wisdom held that it was not legal. That matter is being considered by the Government. As I mentioned earlier, we do not want to delay this matter pending consideration of that.

Similarly, there is another point which hon. Members did not mention, and that is the question of the contribution for the contractor's labour. These are the various points which are under consideration of Government. Those points which have been mentioned are being considered. It is not as if they are being neglected or not being considered. Suitable steps will be taken and, as I mentioned, Government is contemplating the incorporation of the various amendments in the Act itself.

Some points were made about the defaults made by the employers. Shri Bhattacharyya stated that Government compromised with the employers and if they pay back the money they are let free. I might inform hon. Members that it is not as if they are allowed to go free. In fact, the House may be interested to know that up to now 4,772 prosecutions have been launched against the defaulting employers out of which 1,916 have ended in conviction. Only 145 have been acquitted. The remaining cases are pending.

Shri Indrajit Gupta: That is in ten years.

Shri Hathi: As the hon. Members know, in the beginning it was applied only to six industries. Then thirteen more were added and then another four. It was only in 1959 that there were 39 covered industries. In the last three years alone we have covered 30 more industries. So, the prosecutions for the first six or seven years may be few.

Shri A. N. Vidyalankar: But lighter fines are imposed.

Shri Hathi: It is provided in the Act itself as to what the penalty should be. Anyhow, every defaulting employer should be prosecuted and there can be no question of leniency about that. It is the workers' money which they have given in trust to the employers. If defaults are made, naturally, it would be unfair to the workers if the employers are not strictly dealt with.

Another point that was made was why it is restricted to four industries only. As this Amendment Bill shows, after the Bill was introduced in the Rajya Sabha and as it has now been amended, it is not restricted only to the four industries. The Government can apply it to many more industries. I may say that when I accepted the amendment in the Rajya Sabha it was

[Shri Hathi]

only because of this emergency and because of the need to mobilise the savings. We thought that we should immediately take powers and apply this to as many industries as possible.

I may assure you that the enquiry which is mentioned here will not take that much time which we had to take earlier in 1960. I can assure that this enquiry will not be that much lengthy enquiry which we had to do earlier. It will be a quick and summary enquiry. May be that in some cases it may be a casual enquiry. But we do realise and we do appreciate the need for mobilising the resources at present.

I would also like at this time to join with hon. Members who have paid a tribute to the workers at this period of the emergency. These workers have come forward and have sincerely come forward with an offer to work extra hours, on Sundays and in three shifts wherever it is necessary. I have received a number of offers and letters from the various unions giving their day's salary or wages. In some cases they have mentioned particularly Rs. 11 or Rs. 12 for savings and Re. 1 for donation. In different ways they have stood up to the occasion and I sincerely join all the hon. Members in paying my tribute to the workers who have shown this spirit at this hour of the country's need.

It is, therefore, that the benefits that will accrue to the workers are uppermost in the mind of the Ministry of Labour. The mobilising of resources is an important feature, but so far as the workers are concerned, we are more keen to see that the retirement benefits do accrue and that they should accrue not only in these four industries but to workers in many more industries. It will now be merely a question of notification and we need not have to come now before the House for extending it to other industries. I can assure the House that many industries, many more than the four, will be covered in due time, of course, after such enquiry as may be necessary. But in no case that enquiry will be a longer or a technical one as has been the case.

The other point that was mentioned was about bonus and defaulting employers. I do not think I have any other point left to reply. I would, therefore, submit that this measure be adopted by the House.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take up clause-by-clause consideration of the Bill. There are no amendments.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shi Hathi: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

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16.50 hrs.

WAREHOUSING CORPORATIONS BILL

Mr. Deputy-Speaker: Shri A. M. Thomas.

Shri S. M. Banerjee (Kanpur): Can we not have it tomorrow?

Mr. Deputy-Speaker: There are ten minutes.

Shri S. M. Banerjee: We have to attend . . .

Mr. Deputy-Speaker: There is still time.

The Deputy Minister in the Ministry of Food (Shri A. M. Thomas): I beg to move*:

> "That the Bill to provide for the incorporation and regulation of corporations for the purpose of warehousing of agricultural produce and certain other commodities and for matters connected therewith, be taken into consideration."

This is a very important Bill, but at the same, according to me, a non-controversial Bill also. We have at present on the statute-book a legislation which has the same object and most of the provisions of the Bill. That enactment is the Agricultural Produce (Development and Warehousing) Corporations Act, 1956. This legislation of 1956 came to be enacted at the instance of the Ministry of Food and Agriculture. The Central Warehousing Corporation, the various State Warehousing Corporations and the National Co-operative Development and Warehousing Board were established under the provisions of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956. When these institutions were brought into existence, the Ministry concerned and responsible for the administration of the subjects as well as the administration of these various institutions was the Ministry of Food and Agriculture. In December 1958, the subject of Co-operation which was being handled by the Ministry of Food and Agriculture, was transferred to the Ministry of Community Development. When that transfer was effected, the administration of the National Co-operative Development and Warehousing Board was also transferred to that Ministry. However, the subject of Warehousing remained with the Ministry of Food and Agriculture. What we intend to do now is to have a consequential measure which is being necessitated by the decision which has been taken by the Government to bifurcate the administration of the National Co-operative Development and Warehousing Board from that of Warehousing. It was felt that there were two Ministries which looked after the different activities and there was no need to tie them together by having a single Board to supervise the co-operative development as well as warehousing. So, one legislation was brought in the last session of the House by the Minister of Community Development, Co-operation and Panchayati Raj and this House passed that Bill and that has also now become law. That was the National Co-operative Development Corporation Bill, 1962. It was introduced last April and it has subsequently been passed into law by this hon. House.

I realise that although this decision was taken by the Government, the Estimates Committee of this hon. House was of the opinion that with regard to the administration of warehousing corporation also, the National Co-operative Development Corporation should have the control and the two bodies should not be separated. But, I regret to say that it was not possible for the Government to accept the view of the Estimates Committee for several reasons. In the first place, the Central Warehousing Corporation and the State Warehousing Corporations are not co-operative organisations. In the case of the Central Warehousing Corporation, a large

*Moved with the recommendation of the President.

[Shri A. M. Thomas]

majority of the share capital is held by the Government of India, the State Bank of India and a number of joint-stock companies. Co-operative banks and co-operative organisations hold only a very small portion of the share capital. It has also to be borne in mind that the Co-operative Development and Warehousing Board is mainly concerned with the organisation of service and credit societies, marketing societies, processing societies and higher credit societies like apex banks, mortgage banks, etc. The activities of this board cover a large variety of subjects and warehousing is only one, and even that is indirectly dealt with through the Central Warehousing Corporation and the State Warehousing Corporations. So, the wisdom of having dual control or a bifurcation of the functions cannot, according to me, be questioned. The Central and State Warehousing Corporations are at present not being used on any substantial scale by co-operative organisations, and it is unlikely that they will do so for some time to come.

The initial stage of planning and development of warehousing is more or less over now. The general pattern of warehousing has been established, and the main task is to expand warehouses on a large scale. This can be done by the warehousing corporation under the guidance of the Ministry of Food and Agriculture as well as by the State Warehousing Corporations under the various State Governments, and it is not necessary for the warehousing corporations to continue any longer under the tutelage of the Co-operative Development Board. All the same, I am prepared to concede that there is real necessity of co-ordination of the working of the National Co-operative Development Board and the working of the Central and State warehousing corporations.

With that object in view, we have in both the legislations introduced certain provisions which give representation to the Central Warehousing Corporation in the National Co-operative Development Board as well as representation for the National Co-operative Development Board in the Central Warehousing Corporation. The two Ministries also, with regard to the development of their respective fields of activity work in close co-operation and co-ordination, so much so there could be no conflict.

It is now, according to me, a question of academic interest after the House has already approved the bifurcation of functions and then passed the National Co-operative Development Corporation Act in 1962. Before I proceed further . . .

Dr. M. S. Aney: Why should be proceed further? It is now 5 P.M.

Mr. Deputy-Speaker: The hon. Minister can continue his speech tomorrow.

17 hrs.

The Lok Sabha then adjourned till Twelve of the Clock on Thursday, November 29, 1962/Agrahayana 8, 1884 (Saka).

[*Wednesday, November 28, 1962/Agrahayana 7, 1884 (Saka)*]

COLUMNS

ORAL ANSWERS TO QUESTIONS . . . 3665—70

Short Notice Question No. 3.

PAPERS LAID ON THE TABLE 3671-72

The following papers were laid on the Table :—

(1) A copy each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities Act, 1955 :—

(*i*) The Rice (Bhadya Pradesh) Price control(Amendment) Order, 1962, published in Notification No. G.S.R. 1548 dated the 20th November, 1962.

(*ii*) The Rice (Punjab) Price Control (Second Amendment) Order, 1962, published in Notification No. G.S.R. 1549 dated the 20th November, 1962.

(*iii*) G.S.R. No. 1567 dated the 24th November, 1962 rescinding the Rice (Import from Punjab) Order, 1961.

(2) A copy of the Displaced Persons (Compensation and Rehabilitation)Seventh Amendment Rules, 1962, published in Notification No. G.S.R. 1541 dated the 17th November, 1962, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

MESSAGE FROM RAJYA SABHA 3672

Secretary reported a message from Rajya Sabha that at its sitting held on the 26th November, 1962, Rajya Sabha had agreed without any amendment to the Pondicherry (Administration) Bill, 1962, passed by Lok Sabha on the 22nd November, 1962.

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS PRESENTED . . 3672

Eleventh Report was presented.

COLUMNS

ARREST OF MEMBER . . 3753-54

The Deputy Speaker informed Lok Sabha that he had received intimation from the Superintendent of Police, South District, New Delhi, that on the 28th November, 1962, Shri K. Ananda Nambiar, Member, Lok Sabha, had been arrested from his residence in New Delhi in execution of an order of detention issued by the Madras Government and that he would be sent to Madras. . . . . 3673—3753

BILLS PASSED . . . 3754—3808

(*i*) Further clause-by-clause consideration of the Defence of India Bill concluded and the Bill, as amended, was passed.

(*ii*) The Deputy Minister in the Ministry of Finance (Shri B.R. Bhagat) moved that the State Associated Banks (Miscellaneous Provisions) Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.

(*iii*) The Minister of Supply in the Ministry of Economic and Defence Co-ordination (Shri Hathi) moved that the Employees' Provident Funds (Amendment) Bill, as passed by Rajya Sabha be taken into consideration. The motion was adopted. After clouse-by-clause consideration the Bill was passed.

BILL UNDER CONSIDERATION . . . . 3709—12

The Deputy Minister in the Ministry of Food and Agriculture (Shri A.M. Thomas) moved for consideration of the Warehousing Corporations Bill. The discusion was not concluded.

AGENDA FOR THURSDAY, NOVEMBER 29, 1962/ AGRAHAYANA 8, 1884 (*SAKA*)

Further consideration of the Warehousing Corporations Bill and passing thereof, and consideration and passing of the Workmen's Compensation (Amendment) Bill.

GMGIPND—LS II—1266 LSD—14-12-62—900